to fellow party members who are so stubbornly determined to block civil-rights laws. Perhaps my Southern colleagues—equally rooted in their differing views—may occasionally harbor similar thoughts. But then I peer across the center aisle at our Republican rivals: people sincerely convinced of the rightness of their attitudes, but militantly against the legislative correctives and palliatives which are so necessary to help the less favored and less fortunate in an economic system such as ours. And I realize that both the Democratic North and South will have to give ground so that the political party can endure which conquered the depresssion, mobilized the victorious war against the Axis and took the heroic but politically hazardous steps in Korea to curb aggressive communism.

If it is to fulfill its challenging mission of advancing liberalism, the Democratic party must overcome the civil-rights crisis which has cost it so dear in recent elections. Failure to accomplish this could be fatal to the party and, more important, lastingly detrimental to the Nation.

H. R. 11 Would Operate Against Monopolization of Oil Industry by International Oil Combines

EXTENSION OF REMARKS
OF
HON. WRIGHT PATMAN
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Friday, July 5, 1957

Mr. PATMAN. Mr. Speaker, heretofore I have referred to propaganda distributed by representatives of the international oil combines in opposition to H. R. 11. On January 28 I placed in the CONGRESSIONAL RECORD at page 1034, on January 29 at page 1219, and again on February 5 at page 1570, quotations from and citations to documentary evidence of a false front lobbying campaign which had been planned and organized by the international oil combines against H. R. 11. Since then the Antitrust Subcommittee of the Committee on the Judiciary, United States Senate, has held extensive hearings dealing with that subject and has more fully documented the evidence on that point.

Until we analyze the situation, it is difficult to understand the reasons why the international oil combines and other major oil companies associated directly with them have gone to such lengths in their opposition to H. R. 11. However, once we look into the matter, then their reasons are perfectly clear. They want to gain a complete monopoly control over our domestic oil industry as they have gained monopoly control over the international oil trade. Standing in the way of that accomplishment are the independent producers, refiners, and distributors in our great American petroleum industry.

There is a means by which these giant international oil combines can destroy the independent producers, refiners, and distributors of our domestic petroleum industry. That means is the use of the practice of price discrimination. H. R. 11 would curb the practice of price discrimination. Therefore, the giant international oil combines oppose it.

Recently I wrote Mr. Gordon M. Robb, of Houston, Tex., a letter in which I pointed out the dangers in allowing these giant international oil combines and those associated with them to continue the practice of price discrimination. I believe that the Members may be interested in reading the letter I wrote to Mr. Robb because in it I have tried to dispel some of the misinformation and clear up some of the misunderstandings about H. R. 11. That letter is as follows:

APRIL 29, 1957.

Mr. GORDON M. ROBB,
Houston, Tex.

DEAR MR. ROBB: I thank you for writing me on April 22, 1957, about H. R. 11 to amend section 2 (b) of the Robinson-Patman Act.

Your interest in this proposed legislation is appreciated. It does appear, however, that someone has misinformed you concerning the possible effects of this proposed legislation on various methods of doing business.

Enclosed is a copy of H. R. 11. It is a simple and modest proposal. You will note that it provides that the "good faith" meeting of competition shall be a complete defense to a charge that a seller has unlawfully discriminated in price unless the effect of the discrimination would be to substantially lessen competition or tend to create a monopoly.

The reason why we must have a law to curb price discrimination is that without such a curb big competitors destroy small competitors without respect to efficiency or other merits, and the result is that all business tends to end up in a monopoly.

By discriminating in price, a big seller may destroy his smaller competitors even when all competitors receive their supplies at the same price and have the same unit operating cost. But when discrimination is a general practice in business, the bigger competitors receive another unearned advantage in the price they pay for supplies, and they almost inevitably use this advantage to destroy smaller competitors.

Some of us thought that we had solved this problem and had placed some reasonable limits on price discrimination by passage of the Robinson-Patman Act in 1936. But the majority opinion of the Supreme Court in the Standard Oil (Indiana) case drove a serious loophole into the law. According to this opinion, a seller is justified in discriminating in price as between his competing customers, when he is meeting the price offered by a competitor to one of those customers no matter to what extent competition may be destroyed.

H. R. 11 simply says that such discriminations will not be permitted where the effect may be, in the language of the bill, "substantially to lessen competition or tend to create a monopoly."

If we do not have effective laws against monopoly and against unfair methods of creating monopoly, countless small businesses will be needlessly destroyed, and, in fact, the whole country will be hurt by high prices, low production, unemployment, and slow progress.

The fully integrated major oil companies with international connections and facilities are among the worst offenders against our antitrust laws. They, as the Standard Oil Company of Indiana, have utilized the practice of price discrimination to eliminate independent oil producers, refiners, and distributors.

Recently I had some research done regarding the decline in the number of active and inactive oil refining companies in the United States. In that connection it was found that in 1920 the number of such companies totaled 274. In 1950 the total number of active and inactive small refining companies had dropped to 193. I am informed that at the end of 1955 the total number of refinery companies stood at 179. Included in that are the 30 major integrated, international oil combines. Thus, the total of independent refinery companies in the United States at the end of 1955 stood at 149. That number is growing smaller.

Thus, you can see that if the trend to monopoly based on monopolistic practices such as price discrimination and other factors continues, it will not be long before independent oil producers will have no independent oil refineries as markets for their products. The international major oil companies will constitute the only markets. Then the prices the independent oil producers will receive will be the prices the international oil companies decide they wish to pay.

In view of these circumstances I am not surprised that the opposition to H. R. 11 and to other proposals to strengthen the laws against monopolistic price discriminations has been led by the major oil companies. I have made some speeches on the floor of the House about this. Enclosed for your information is a reprint of some of these recent statements.

I trust that this information will be found to be responsive to your inquiry of April 22.

With best wishes and kind regards, I am,

Sincerely yours,

WRIGHT PATMAN.

SENATE

MONDAY, JULY 8, 1957

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

O God, our Father, Thou searcher of men's hearts, from whom no secrets are hid: At this beginning of a new week of counsel, help Thy servants in the ministry of public affairs to draw near to Thee in tranquillity, in humility, and sincerity. With Thy benediction upon them, may they face the thorny problems of our national life with honest dealing and clear thinking, and with hatred of all hypocrisy, deceit, and sham.

Save us from lowering the shield of national solidarity by divisive policies in a perilous hour. May we close our national ranks in a new unity, as powers without pity or conscience seek to destroy the birthright of our liberty of worship and speech and the sanctity of the individual. In all our thinking, help us to keep step in the ranks of those who do justly, love mercy, and walk humbly with Thee, our God. We ask it in the dear Redeemer's name. Amen.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the Journal of the proceedings of Wednesday, July 3, and Friday, July 5, 1957, was approved, and its reading was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that

on July 3, 1957, the President had approved and signed the following acts:

S. 1141. An act to authorize and direct the Administrator of General Services to donate to the Philippine Republic certain records captured from insurrectos during 1899–1903;

S. 1264. An act to exempt from taxation certain property of the National Trust for Historic Preservation in the United States in the District of Columbia;

S. 1576. An act to exempt the sale of materials for certain war memorials in the District of Columbia from the District of Columbia Sales Tax Act;

S. 1586. An act to eliminate the financial limitation on real and personal estate holdings of the American Historical Association in the District of Columbia;

S. 1794. An act to amend section 6 of the act approved July 3, 1890 (26 Stat. 215), relating to the admission into the Union of the State of Idaho by providing for the use of public lands granted therein for the purpose of construction, reconstruction, repair, renovation, furnishings, equipment, or other permanent improvements of public buildings at the capital; and

S. 2243. An act to amend the Atomic Energy Act of 1954, as amended, and for other purposes.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the President pro tempore:

S. 528. An act for the relief of Nicolaos Papathanasiou;

S. 609. An act to amend the act of June 24, 1936, as amended (relating to the collection and publication of peanut statistics), to delete the requirement for reports from persons owning or operating peanut picking or threshing machines, and for other purposes;

S. 749. An act for the relief of Loutfie Kalil Noma (also known as Loutfie Slemon Noma or Loutfie Noama);

S. 1054. An act to extend the times for commencing and completing the construction of a toll bridge across the Rainy River at or near Baudette, Minn.;

S. 1169. An act for the relief of Herbert C. Heller;

S. 1212. An act for the relief of Evangelos Demetre Kargiotis;

S. 1352. An act to provide for the conveyance of certain real property of the United States to the Fairview Cemetery Association, Inc., Wahpeton, N. Dak.;

H. R. 3558. An act for the relief of Ernest Hagler;

H. R. 4159. An act for the relief of Z. A. Hardee;

H. R. 5728. An act to clarify the general powers, increase the borrowing authority, and authorize the deferment of interest payments on borrowings, of the St. Lawrence Seaway Development Corporation;

H. R. 6191. An act to amend title II of the Social Security Act, as amended, to extend the period during which an application for a disability determination is granted full retroactivity, and for other purposes;

H. J. Res. 288. Joint resolution to waive certain provisions of section 212 (a) of the Immigration and Nationality Act in behalf of certain aliens;

H. J. Res. 290. Joint resolution for the relief of certain aliens; and

H. J. Res. 307. Joint resolution for the relief of certain aliens.

LEAVE OF ABSENCE

On request of Mr. JOHNSON of Texas, and by unanimous consent, Mr. HENNINGS was excused from attendance on the session of the Senate today because of illness.

HANDLING THE PROBLEMS CONNECTED WITH FLOODS AND DROUGHTS

Mr. JOHNSON of Texas. Mr. President, I have just returned from spending a few days in my home State of Texas.

I have seen for myself some of the damage done by the devastating floods that closed out 8 years of grinding drought. I have talked with men and women who suffered through the floods—and who also had suffered through the drought.

Both the drought and the floods have cost Texas heavily in human misery and loss of human life; in tremendous property damage; and in serious loss of income, during the disaster period and in the future.

THIS WILL NOT CHANGE

The wide variation in the cycle of Texas climate—from drought to flood, and back again to drought—is our recorded history. It is a circumstance that probably will not change. Rather, we shall have to adapt ourselves to it more effectively than in the past.

Mr. President, effective adaptation to this circumstance is both possible and feasible.

We can lessen the harmful effects of rainfall extremes. We can do this through realistic programs for the control and utilization of surface waters. The future of Texas and of other Southwestern and Western States depends to an almost absolute degree upon how effectively we regulate our surface waters.

This year's floods in Texas spotlighted the need for many more reservoirs containing many additional millions of acre-feet of water to help carry us over the dry years that inevitably will recur. Flood control is important simply for the sake of flood control. It has a further importance—a vast importance—in connection with water supply requirements.

I have for some years supported a far-reaching investigation by the Bureau of Reclamation to determine the current and long-range water-supply problems. I asked the Bureau to propose a master plan of what could logically be done by the Federal Government to help meet this problem, once it was fully defined.

Mr. President, I have given strong and consistent support to the survey and construction programs of the Corps of Engineers. It now appears, in the light of this year's experience, that we have not done enough. Accordingly, I am urgently advocating an intensified program for the Corps of Engineers.

Studies by the Bureau of Reclamation have been aimed primarily at water supply for all needs. Significantly, however, these studies have produced a stronger justification for authorized, but as yet unbuilt, corps reservoirs in Texas.

MUST WORK TOGETHER

Mr. President, it is vitally necessary that the Corps of Engineers and the Bureau of Reclamation work closely together. I hope both of them will take notice of this statement. They must coordinate their respective programs. Such collaboration of effort is essential to insure that the water-development program will follow a pattern designed to guarantee steady, orderly, economical expansion.

Final commitment of remaining dam sites in the Southwest can properly be made only after a careful decision has been reached regarding every purpose each future reservoir must serve.

We are dedicating the last of our dam sites, the last of our water supplies. These commitments must stand the test of time, for they control the economic future of Texas.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

PROMOTION OF CERTAIN OFFICERS IN THE REGULAR ARMY

A letter from the Secretary of the Army, transmitting a draft of proposed legislation to authorize the appointment of Robert Wesley Colglazier, Jr., as permanent brigadier general of the Regular Army (with an accompanying paper); to the Committee on Armed Services.

A letter from the Secretary of the Army, transmitting a draft of proposed legislation to authorize the appointment of Philip Ferdinand Lindeman as permanent colonel of of the Regular Army (with an accompanying paper); to the Committee on Armed Services.

AMENDMENT OF SECTION 69 OF HAWAIIAN ORGANIC ACT

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to amend section 69 of the Hawaiian Organic Act (with an accompanying paper); to the Committee on Interior and Insular Affairs.

IMPROVEMENT OF ADMINISTRATION OF DEPARTMENT OF DEFENSE

A letter from the Secretary of Defense, transmitting a draft of proposed legislation to promote the interests of national defense through the advancement of the scientific and professional research and development program of the Department of Defense, to improve the management of the administration of the activities of such Department, and for other purposes (with accompanying papers); to the Committee on Post Office and Civil Service.

ADVANCEMENT OF AERONAUTICAL RESEARCH PROGRAMS

A letter from the executive secretary, National Advisory Committee for Aeronautics, Washington, D. C., transmitting a draft of

proposed legislation to promote the interests of national defense through the advancement of the aeronautical research programs of the National Advisory Committee for Aeronautics (with an accompanying paper); to the Committee on Post Office and Civil Service.

INCREASED COMPENSATION FOR CERTAIN EXECUTIVES OF ATOMIC ENERGY COMMISSION

A letter from the Chairman, Atomic Energy Commission, Washington, D. C., transmitting a draft of proposed legislation to amend the Atomic Energy Act of 1954, as amended, to increase the salaries of certain executives of the Atomic Energy Commission, and for other purposes (with an accompanying paper); to the Joint Committee on Atomic Energy.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

A letter, in the nature of a petition, from the Pineapple Research Institute of Hawaii, Honolulu, T. H., signed by R. L. Cushing, director, favoring the enactment of House bill 7341, providing for the construction of a geophysics institute in Hawaii; to the Committee on Appropriations.

A resolution adopted by the Oil Heat Institute of Long Island, Inc., New York, favoring the enactment of legislation to decontrol natural gas at the wellhead; to the Committee on Interstate and Foreign Commerce.

RESOLUTION OF CITY COUNCIL OF MILWAUKEE (WIS.), RELATING TO WHOLESALE MARKET FACILITIES

Mr. WILEY. Mr. President, I have received from Stanley Witkowski, city clerk of Milwaukee, a resolution favoring the enactment of House bill 4504, introduced by Representative COOLEY, chairman of the House Agriculture Committee. This bill is known as the Marketing Facilities Improvement Act. It would provide a system of mortgage insurance to municipal and other State subdivisions, to be administered by the Secretary of Agriculture, for the purpose of expanding public wholesale market facilities for perishable agricultural commodities.

The basis for the legislation is that such facilities are sadly lacking in many of the leading municipalities of our country.

I present the resolution, and ask unanimous consent that it be printed in the RECORD, and be thereafter referred to the Committee on Agriculture and Forestry.

There being no objection, the resolution was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

RESOLUTION REQUESTING CONGRESS TO ENACT BILL KNOWN AS H. R. 4504 WHICH WOULD PROVIDE A METHOD OF FINANCING WHOLESALE MARKET FACILITIES WITHOUT ANY GRANT OF FEDERAL FUNDS

Whereas the city of Milwaukee presently has outmoded and inefficient wholesale produce market facilities; and

Whereas the buildings in which such facilities are housed are in deteriorated condition and badly located; and

Whereas one of the reasons that the wholesale produce industry in Milwaukee has been unable to modernize its facilities has been its difficulties in obtaining adequate financing for new facilities; and

Whereas the bill presently before Congress known as H. R. 4504 would provide for a means of financing a new wholesale produce terminal: Therefore be it

Resolved, That the common council and the mayor do herewith earnestly request Congress to enact bill known as H. R. 4504 which would provide a method of financing for such wholesale market facilities without any grant of Federal funds; further be it

Resolved, That the city clerk is instructed to send copies of this resolution to all Members of Congress in both the House and Senate from the State of Wisconsin.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PAYNE, from the Committee on Interstate and Foreign Commerce, without amendment:

S. 1866. A bill to amend the act entitled "An act to require the inspection and certification of certain vessels carrying passengers," approved May 10, 1956, in order to provide adequate time for the formulation and consideration of rules and regulations to be prescribed under such act (Rept. No. 582).

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

S. 441. A bill for the relief of Jose Ramirez-Moreno (Rept. No. 584);

S. 1365. A bill for the relief of Milenko Krnjajich (Rept. No. 585);

S. 1815. A bill for the relief of Nicholas Dilles (Rept. No. 586); and

S. 1896. A bill for the relief of Maria West (Rept. No. 587).

By Mr. EASTLAND, from the Committee on the Judiciary, with an amendment:

S. 1227. A bill for the relief of Stavros Georgas (Rept. No. 588);

S. 1370. A bill for the relief of Wanda Wawrzyczek (Rept. No. 589);

S. 1767. A bill for the relief of Eileen Sheila Dhanda (Rept. No. 590);

S. 2009. A bill for the relief of Mrs. Jytte Starel Synodis (Rept. No. 591); and

H. J. Res. 323. Joint resolution to facilitate the admission into the United States of certain aliens (Rept. No. 596).

By Mr. EASTLAND, from the Committee on the Judiciary, with amendments:

S. 366. A bill for the relief of certain Korean war orphans (Rept. No. 592);

S. 1387. A bill for the relief of Rebecca Jean Lundy (Helen Choy) (Rept. No. 593);

S. 1685. A bill for the relief of Sic Gun Chau (Tse) and Hing Man Chau (Rept. No. 594); and

S. 1736. A bill for the relief of Rosa Sigl (Rept. No. 595).

SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

Mr. EASTLAND. Mr. President, from the Committee on the Judiciary, I report an original concurrent resolution, favoring the suspension of deportation in the cases of certain aliens, and I submit a report (No. 583) thereon.

THE PRESIDENT pro tempore. The report will be received, and the concurrent resolution will be placed on the calendar.

The concurrent resolution (S. Con. Res. 40) was placed on the calendar, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Congress favors the suspension of deportation in the case of each alien hereinafter named, in which the case the Attorney General has suspended deportation for more than 6 months:

A-1750750, Ali, Mohamid.
A-6678456, Alvear, Leonicia Garcia De.
A-9764546, Baizer, Herbert Paul.
A-5554927, Bliznakoff, Vasil.
A-3124105, Cassimis, John.
A-5886946, Cho, Tse.
A-8057140, Chu, Lek.
A-10255258, Chu, Li Yih Ai.
A-5993801, Li, Sue Ling.
A-10255250, Li, Sue Loo.
A-10255047, Li, Ruth Wu.
A-5531810, Darmanin, John.
A-6921218, Epstein, Zofia.
A-6958010, Escobar-Gonzalez, Victor Manuel.
A-9527785, Fong, Wong.
A-3049549, Gama-Reyes, Manuel.
A-4590908, Glick, Adolf.
A-1432407, Hahn, Soon Kyo.
0900-57150, Hahn, Tai Chin.
A-4359142, Herraja-Jiminez, Samuel.
A-9726671, Hidick, Massoad Abdul.
A-7353652, Hroncich, Leonardo.
A-2678095, Hsu, Rose Fung.
A-3667758, Kepraios, Stavros Stelianos.
A-1551550, Khan, Ali.
A-10255537, Kwan, Kwang Pei.
A-3209149, Lee, Poo.
A-8259493, Liadis, Panagiotis Dimitriou.
A-8189299, Liu, Tsong Won.
A-5449221, Lottrup, Jorgen S.
A-9770877, Mahmoud, Mohamed.
A-4043565, Maillet, Andre Pierre.
A-5148487, Mann, Mina.
A-1121179, Messina, Stellario G.
A-9709248, Nam, Tsu Hau.
A-4421186, Napoli, Michael.
A-9511407, On, Lee.
A-6242520, Ortiz-Zamorano, Rosendo.
A-4067578, Papagiarnis, John.
A-10139255, Rodriguez, Camelia Dreyfous.
A-10255544, Rodriguez, Manuel Joaquim.
A-4543718, Aurin, Dietrich.
A-7544210, Chu, Chen-Fu.
A-5970130, Contreras, Pablo.
A-7301220, Epstein, Zalman.
A-7866953, Herrera-Melquiades, Adalberto.
A-4962216, Gonzales, Eluteria.
A-9647371, Jung, Kai.
A-9654171, Lefas, Zacharias.
A-1961443, Roknich, Daniel.
A-9777001, Ryan, Michael.
A-6062026, Salazar-Gallegos, Roberto.
A-3429897, Sanchez-Poveda, Candido.
A-1177218, Secondo, Michele.
A-5877615, Sztulman, Berek.
A-9777191, Trillo, Manuel.
A-6933837, Tsai, Juin-Ping.
A-10139010, Tsai, Shuenn, Jeou.
A-8890267, Vasquez, Carlos.
A-10060080, Way, Tow.
A-10236971, Wing, Chin.
A-6708345, Wood, Jim Varley.
A-7388556, Yong, Sun Shin.
A-6817533, Greenhalgh, Richard James.
A-1239918, Kouyios, Nikitas.
A-6733979, Gerber, Golda.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary:

Charles P. Moriarty, of Washington, to be United States attorney for the western district of Washington;

Thomas J. Lunney, of New York, to be United States marshal for the southern district of New York;

George Harrold Carswell, of Florida, to be United States attorney for the northern district of Florida; and

Dallas A. Gardner, Jr., of South Carolina, to be United States marshal for the eastern district of South Carolina, vice Alfred L. Plowden, Jr.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JOHNSON of Texas:

S. 2476. A bill to amend section 124 (c) of title 28 of the United States Code so as to transfer Shelby County from the Beaumont to the Tyler division of the eastern district of Texas; to the Committee on the Judiciary.

S. 2477. A bill to organize and microfilm the papers of Presidents of the United States in the collections of the Library of Congress; to the Committee on Rules and Administration.

(See the remarks of Mr. JOHNSON of Texas when he introduced the last above-mentioned bill, which appear under a separate heading.)

By Mr. LANGER:

S. 2478. A bill to establish a system for the classification and compensation of scientific and professional positions in the Government and for other purposes; to the Committee on Post Office and Civil Service.

S. 2479. A bill to amend the Internal Revenue Code of 1954 so as to allow a deduction for certain expenses paid by a taxpayer in obtaining a college education or in providing a college education for his spouse or dependents; to the Committee on Finance.

S. 2480. A bill to amend the act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907; to the Committee on Interstate and Foreign Commerce.

S. 2481. A bill to prohibit experiments upon living dogs in the District of Columbia and providing a penalty for violation thereof; to the Committee on the District of Columbia.

S. 2482. A bill for the relief of George Barsam; to the Committee on the Judiciary.

By Mr. LANGER (for himself and Mr. YOUNG):

S. 2483. A bill to provide for a preliminary examination and survey of the Missouri River between Garrison Dam in North Dakota and Sioux City, Iowa, for the purpose of determining the advisability of improving such river for navigation between such points; to the Committee on Public Works.

By Mr. MUNDT:

S. 2484. A bill for the relief of Margo Diann Wallace (Demetra); to the Committee on the Judiciary.

By Mr. POTTER:

S. 2485. A bill for the relief of Kwang Jin Chun; to the Committee on the Judiciary.

By Mr. NEUBERGER (for himself and Mr. MORSE):

S. 2486. A bill for the relief of Wanda Carlene Boll (Lee Sook Ja);

S. 2487. A bill for the relief of Yu, Sang Koo; and

S. 2488. A bill for the relief of Kim, Hyun Suck; to the Committee on the Judiciary.

By Mr. NEUBERGER (for himself, Mr. HUMPHREY, and Mr. KEFAUVER):

S. 2489. A bill to require the use of humane methods of trapping animals and birds on lands and waterways under the jurisdiction of the United States; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. NEUBERGER when he introduced the above bill, which appear under a separate heading.)

By Mr. HUMPHREY:

S. 2490. A bill to provide for the control of noxious weeds on land under the control or jurisdiction of the Federal Government; to the Committee on Agriculture and Forestry.

(See the remarks of Mr. HUMPHREY when he introduced the above bill, which appear under a separate heading.)

By Mr. THYE:

S. 2491. A bill for the relief of Matthew Schmidt (Kim Kunoh), and Juliann Schmidt (Cho Young Sook); to the Committee on the Judiciary.

By Mr. PURTELL:

S. 2492. A bill for the relief of the East Coast Ship & Yacht Corp., of Noank, Conn.; to the Committee on the Judiciary.

By Mr. SMATHERS:

S. 2493. A bill for the relief of Maria G. Aslanis; and

S. 2494. A bill for the relief of Mohammed Ali Halim; to the Committee on the Judiciary.

By Mr. HUMPHREY:

S. 2495. A bill for the relief of Lt. Col. John T. Collier; to the Committee on Armed Services.

By Mr. WATKINS:

S. 2496. A bill to amend the act entitled "An act to promote the conservation of wildlife, fish, and game, and for other purposes," approved March 10, 1934, as amended, known as the Coordination Act; to the Committee on Interstate and Foreign Commerce.

(See the remarks of Mr. WATKINS when he introduced the above bill, which appear under a separate heading.)

By Mr. MUNDT:

S. J. Res. 117. Joint resolution to authorize the Secretary of the Interior to make loans to the Crazy Horse Memorial Foundation, and for other purposes; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. MUNDT when he introduced the above joint resolution, which appear under a separate heading.)

By Mr. HUMPHREY:

S. J. Res. 118. Joint resolution opposing distinction by foreign nations against United States citizens because of individual religious affiliations; to the Committee on Foreign Relations.

(See the remarks of Mr. HUMPHREY when he introduced the above joint resolution, which appear under a separate heading.)

SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

Mr. EASTLAND, from the Committee on the Judiciary, reported an original concurrent resolution (S. Con. Res. 40) favoring the suspension of deportation in the cases of certain aliens, which was placed on the calendar.

(See concurrent resolution printed in full, where it appears under the heading "Reports of Committees.")

MICROFILMING OF PAPERS OF FORMER PRESIDENTS

Mr. JOHNSON of Texas. Mr. President, I introduce, for appropriate reference, a bill to organize and microfilm the papers of Presidents of the United States now held in the collections of the Library of Congress.

On Saturday of last week I participated in a very pleasant and historic event. It was the dedication of the Harry S. Truman Library in Independence, Mo.

I wish to express my appreciation to the distinguished Chief Justice of the United States, the distinguished minority leader of the Senate [Mr. KNOWLAND], the distinguished assistant minority leader of the House of Representatives, and to my colleagues in both bodies, for their participation in that event. I thought it was a display of consideration, patriotism, and service to country rarely equaled.

Former President Truman has displayed great foresight and historical appreciation in preserving for all time the valuable documents and other materials related to his tenure of office as President of the United States.

We cannot today take action to emulate the constructive and timely steps that have been taken with respect to the Truman papers for the earlier Presidents of our country. We can, however, with a relatively small expenditure of money, insure that the papers which have come down to us from these great men of the past be organized and preserved in a useful fashion for now and the future.

This is the purpose of this proposed legislation, which has previously been introduced in the House of Representatives by Democratic Leader JOHN MCCORMACK, of Massachusetts. We should delay no longer in taking these necessary steps to guarantee against loss and waste of these valuable materials which remain from the papers of the Presidents of earlier years.

I am hopeful that the Congress can act favorably upon this proposed legislation during this session.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 2477) to organize and microfilm the papers of Presidents of the United States in the collections of the Library of Congress, introduced by Mr. JOHNSON of Texas, was received, read twice by its title, and referred to the Committee on Rules and Administration.

USE OF HUMANE METHODS OF TRAPPING ANIMALS AND BIRDS ON CERTAIN LANDS

Mr. NEUBERGER. Mr. President, I introduce, for appropriate reference, a bill to prohibit the use of inhumane traps for the capture of animals or birds on the lands and waters belonging to, or under the jurisdiction of, the United States. I am happy to have as my cosponsors the able junior Senator from Minnesota [Mr. HUMPHREY] and the able senior Senator from Tennessee [Mr. KEFAUVER].

I need take only a few words to explain my proposal.

The trapping of birds and animals, particularly fur-bearing animals, no longer holds the important role it played in the earlier history of our country, and particularly in the Pacific Northwest. But a substantial amount of trapping still is carried on. I believe that, with the advances of modern technology and civilization, there is no reason why trapping has to be done in a manner which causes needless pain and suffering to the wild animals which are its victims and its commercial justification.

I believe there is no argument about the cruelty inherent in many of the existing traps and trapping practices now in use. Animals are caught in iron jaws which frequently fracture a leg or other bone. They are held in that position, struggling to the point of exhaustion, for many hours or even several days before being found and killed. I, myself, have walked a trapline, on snowshoes, Mr. President, accompanying a

trapper who was inspecting and collecting his catch. I have seen wild animals exhausted from trying to tear themselves to pieces, in pain and terror of the relentless irons which held them. It is not an unusual story for such an animal to try to chew off its fettered limb, so as to escape. As I say, the brutality inherent in such traps is beyond debate; the only question is what value we are to place on a matter as intangible, in material terms, as the suffering of an animal. Is such a matter worth the attention of the Congress of the United States? In Oregon recently, a terrified beaver dragged a trap in agony for over 4 days before life at last left the bleeding body of the animal.

Mr. President, I believe that a people's attitude toward the animals and other living things, with which it shares a common world, is one significant measure of that people's civilization. I have had occasion to say this in cosponsoring a humane-slaughter bill in the Senate, and it applies equally to wildlife. Two centuries ago, there were few human beings on this continent, compared with the millions of wild animals; and even sheer survival in the wilderness beyond the eastern seaboard was a difficult challenge. Today, the situation is exactly reversed. It is the wild animals which find survival difficult among 170 million industrialized, motorized, urbanized people. We maintain careful limits on the quantity and seasons of hunting, to try to keep them alive.

The primitive, cruel trapping practices of the last century are an anachronism today. With modern technology, such civilized requirements as humane slaughter or humane trapping do not stand between us and the food we need, or the furs; they become, at most, matters of cost. My bill proposes only the requirements that traps used within the jurisdiction of the United States must either capture animals painlessly or kill them instantaneously, and that they must be inspected and emptied at least once a day. Traps designed to meet these standards are already available; and they are in use, for example, by the personnel of Government conservation departments. My bill would vest in the Secretary of the Interior authority to conduct the necessary tests and promulgate the necessary standards and regulations, to give specific application to the objectives of the bill. Violations would be punishable as misdemeanors, with fines up to $500 or prison sentences up to six months, or both.

Mr. President, my proposal is consistent with American moral standards and with good conservation practices. I hope it will win the approval of the Congress. In conclusion, I ask that the text of the bill be printed in the CONGRESSIONAL RECORD.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2489) to require the use of humane methods of trapping animals and birds on lands and waterways under the jurisdiction of the United States, introduced by Mr. NEUBERGER (for himself, Mr. HUMPHREY, and Mr. KEFAUVER), was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That section 41 of title 18 of the United States Code is amended by placing the prefix "(a)" before the present section, and by adding at the end thereof the following new subsection:

"(b) (1) Any person who, upon any land or waters owned by or under the jurisdiction of the United States, places or causes to be placed any trap, snare, net, or other device designed to trap or capture any animal or bird in any manner by which the animal or bird is not either captured painlessly or killed instantly, or who, having placed a trap, snare, net, or other device, fails to inspect and empty it at least once every 24 hours, shall be fined not more than $500 or imprisoned not more than 6 months, or both.

"(2) The Secretary of the Interior is authorized to conduct such tests and to promulgate such standards, rules, and regulations as he may deem necessary to the execution of this subsection.

"(3) No provision of this subsection shall apply in any case in which its application would be contrary to any treaty obligation of the United States to any Indian in effect on the date of enactment of this section."

SEC. 2. The provisions of this act shall become effective on January 1, 1958.

CONTROL OF NOXIOUS WEEDS ON FEDERAL LANDS

Mr. HUMPHREY. Mr. President, I introduce, for appropriate reference, a bill to provide for the control of noxious weeds on land under the control or jurisdiction of the Federal Government.

Mr. President this bill would aid in making State weed-control programs effective by giving the States authority to require removal of noxious weeds from Federal lands, with the expense to be borne by the Federal agencies controlling such lands.

Approximately 4 million acres of tax-exempt land in Minnesota is under control of the Federal Government, such as Indian lands, conservation land, or forest areas, islands, and so forth.

Minnesota has a very effective weed law, enforced by the commissioner of agriculture through the director of the division of plant industry, with the services of 10 district weed and seed inspectors and county inspectors in all of the counties, and also the 3 supervisors in each of the 1,841 townships for a total of 5,523 township inspectors, and the mayors of the 805 villages and cities.

In carrying out the weed-control program of our State, these inspectors find it very difficult to ask our farmers to control their weeds when weeds on State and Federal lands could not be controlled due to a lack of funds allocated for this purpose. Some 6 years ago the Minnesota Legislature appropriated $10,000 annually for the control of weeds on tax-exempt lands, and as a result all complaints as to weeds on State lands have been taken care of. However, much of the problem on Federal lands still remains.

In the past, in order to avoid a general breakdown of the program, it has been necessary to spend some of the State fund for weed control on Federal lands, such as the control of leafy spurge on the Forget-Me-Not Island near Lake Park in Becker County and Canadian thistle on the Indian reservation in Yellow Medicine County.

To date, no funds have been provided for the control of weeds on Federal lands by the Federal Government. It is only reasonable and just that this situation should be corrected, as it does not seem logical that the farmers of our State should be required to destroy their weeds and, on the other hand, the Federal Government not be required to keep the weeds on lands under their supervision under control.

While I have outlined this problem from the standpoint of Minnesota, the same situation applies in other States.

The regulatory, extension, industrial, and research people of the 14 Midwestern States and 4 provinces of Canada have an organization known as the North Central Weed Control Conference, which meets annually for the discussion of weed control. Minnesota is a member, and plays an important part in the functions of this organization. The North Central Weed Control Conference has passed resolutions requesting the Federal Government to provide funds for such a purpose, and the organization has asked Minnesota to take the lead in bringing this about.

The commissioners and secretaries of agriculture of the States have also made similar requests.

The amount involved is not large. We estimate that an appropriation of $10,000 annually will be sufficient for taking care of the weeds on Federal lands in Minnesota.

All this bill would do would authorize such expenditures by Federal agencies supervising these lands, making them responsible for complying with State weed laws on the same basis as owners of privately owned lands.

If the Federal department, agency or independent establishment involved has failed to comply with weed-control procedures under State law, this bill would authorize State commissioners of agriculture, or other proper agencies, of any State which has in effect such a program to enter upon Federal land, with permission of the head of the appropriate Federal agency, to destroy by appropriate methods noxious weeds growing on such lands. It further provides that States shall be reimbursed by the Federal agency involved for any expenses incurred in such weed removal, provided the Federal agency left it up to the State agencies to remove the weeds rather than do it themselves.

I urge active support for this measure, particularly from other Midwestern States confronted with a similar problem.

These noxious weeds cause a severe economic loss annually to agriculture unless they are controlled, and it is unfair to expect farmers to wipe out weeds on their own property, at their own expense, if seeds from similar weeds are blown all over the State from patches of noxious weeds on federally owned property.

I ask unanimous consent that the bill be printed in the RECORD.

The PRESIDENT pro tempore. The bill will be received and appropriately

referred, and, without objection, the bill will be printed in the RECORD.

The bill (S. 2490) to provide for the control of noxious weeds on land under the control or jurisdiction of the Federal Government, introduced by Mr. HUMPHREY, was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That the Commissioner of Agriculture or other proper agency of any State in which there is in effect a program for the control of noxious weeds may enter upon any land in such State under the control or jurisdiction of a department, agency, or independent establishment of the executive branch of the Federal Government, with the permission of the head of such department, agency, or independent establishment, and destroy by appropriate methods noxious weeds growing on such land if—

(1) The same procedure required by the State program with respect to privately owned land has been followed; and

(2) The department, agency, or independent establishment involved has failed to comply with the requirements of such program.

SEC. 2. Any State incurring expenses pursuant to the first section of this act shall be reimbursed, upon presentation of an itemized account of such expenses, by the head of the department, agency, or independent establishment of the executive branch of the Federal Government having control or jurisdiction of the land with respect to which such expenses were incurred.

CONSERVATION OF WILDLIFE, FISH, AND GAME

Mr. WATKINS. Mr. President, I introduce for appropriate reference, a bill to amend the Coordination Act of March 10, 1934, as amended.

This bill, if enacted, will effect some changes, sought by conservation groups throughout the country, in the 1934 act to promote more effective planning, development, maintenance and coordination of wildlife conservation and rehabilitation.

My interest in introducing the measure at this time is that it was warmly supported by a recent resolution of the Western Association of State Game and Fish Commissioners, one of the most active and effective conservation groups in the western part of the country. This group accurately pointed out that this proposal has been subjected to considerable analysis throughout the country and merits Congressional review this session. I am hopeful that early hearings will be scheduled on this measure so that all persons interested in fish and wildlife preservation and water resource development will have an adequate opportunity to contribute to sound long-range legislation.

The bill extends provisions of the Coordination Act to proposed water resource projects, as well as to authorized projects. It also gives the United States Fish and Wildlife Service an opportunity to review proposed drainage and channel modification projects, which were not specifically covered in the 1934 and 1946 legislation.

I ask unanimous consent that the bill be printed in the RECORD.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2496) to amend the act entitled "An act to promote the conservation of wildlife, fish, and game, and for other purposes," approved March 10, 1934, as amended, known as the Coordination Act introduced by Mr. WATKINS, was received, read twice by its title, referred to the Committee on Interstate and Foreign Commerce, and ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That sections 1 to 3, inclusive, of the act entitled "An act to promote the conservation of wildlife, fish, and game, and for other purposes," approved March 10, 1934, as amended (16 U. S. C. 661, 662, and 663), are amended to read as follows:

"That, in order to promote effectual planning, development, maintenance, and coordination of wildlife conservation and rehabilitation in the United States, its Territories and possessions, the Secretary of the Interior, through the United States Fish and Wildlife Service, is authorized (a) to provide assistance to, and cooperate with, Federal, State, and public or private agencies and organizations in the development, protection, rearing, and stocking of all species of wildlife, resources thereof, and their habitat, in controlling losses of the same from disease or other causes, in minimizing damages from overabundant species, in providing public shooting areas, and in carrying out other measures necessary to effectuate the purpose of this act; (b) to make surveys and investigations of the wildlife of the public domain, including lands and waters or interests therein acquired or controlled by any agency of the United States; and (c) to accept donations of land and contributions of funds in furtherance of the purposes of this act.

"SEC. 2. Whenever the waters of any stream or other body of water are proposed or authorized to be impounded, diverted, the channel deepened, or the stream or other body of water otherwise controlled or modified for any purpose whatever, including navigation and drainage, by any department or agency of the United States, or by any public or private agency under Federal permit or with Federal financial or technical assistance, such department or agency first shall consult with the United States Fish and Wildlife Service and the head of the agency exercising administration over the wildlife resources of the State wherein the impoundment, diversion, or other control facility is to be constructed with a view to preventing loss of any damage to wildlife resources, and with a view to providing for the development and improvement of wildlife resources in connection with such water resource development.

"In furtherance of the aforesaid purposes, the reports of the United States Fish and Wildlife Service relating to such water resource developments, together with any recommendations thereon by the Secretary of the Interior and any report of the head of the State agency exercising administration over the wildlife resources of the State, based on surveys and investigations conducted by such Federal and State agencies for the purpose of determining the possible damage to wildlife resources and for the purpose of determining the most desirable means and measures that should be adopted in the public interest to prevent the loss of or damage to such wildlife resources, as well as to provide concurrently for the development and improvement of such resources, shall be made an integral part of any report prepared in or submitted by any agency of the Federal Government responsible for engineering surveys and construction of such projects when such reports are presented to the Congress or to any agency or person having the authority or the power, by administrative action, or otherwise, (a) to authorize the construction of water resources development projects or (b) to approve a report on the modification or supplementation of plans for previously authorized projects, to which this act applies.

"The cost of planning for and the construction or installation and maintenance of such means and measures adopted to carry out the aforesaid purposes of this section, to prevent the loss of and damage to wildlife resources, and to provide for the development and improvement thereof, shall constitute an integral part of the costs of such projects: *Provided*, That, in the case of projects hereafter authorized to be constructed, operated, and maintained in accordance with the Federal reclamation laws (act of June 17, 1902, 32 Stat. 388, and acts amendatory thereof or supplementary thereto), the Secretary of the Interior shall, in addition to allocations to be made under section 9 of the Reclamation Project Act of 1939 (53 Stat. 1187), make findings on the part of the estimated cost of the project which can properly be allocated to the prevention of damage to, and to the development and improvement of wildlife, and costs allocated pursuant to such findings shall not be reimbursable. In the case of construction or the provision of financial or technical assistance by a Federal agency for such construction, that agency shall transfer to the United States Fish and Wildlife Service, out of appropriations or other funds made available for investigations, engineering, or construction, such funds as may be necessary to conduct the investigations required to carry out the purposes of this section.

"SEC. 3. Whenever the waters of any stream or other body of water are impounded, diverted, the channel deepened, or the stream or other body of water otherwise controlled or modified for any purpose whatever, including navigation and drainage, by any department or agency of the United States, or when such purposes are to be accomplished with Federal financial or technical assistance or under Federal permit, adequate provision consistent with the primary purposes of such impoundment, diversion, or other control shall be made for the use thereof, together with any areas of land, or interest therein, acquired or administered by a Federal agency in connection therewith, for the conservation, maintenance, and management of wildlife, resources thereof, and its habitat thereon, as well as for the development and improvement of such wildlife resources pursuant to the provisions of section 2 of this act, as amended. When consistent with reports prepared in accordance with the provisions of section 2 of this act by the United States Fish and Wildlife Service and when approved by the Secretary of the Interior, the acquisition of land and interests therein by Federal construction agencies is authorized for the purposes of this act. In accordance with general plans, covering the use of such waters and other interests for these purposes, approved jointly by the head of the department or agency exercising primary administration thereof, the Secretary of the Interior, and the head of the agency exercising administration over the wildlife resources of the State wherein the waters and areas lie, such waters and other interests shall be made available without cost for administration (a) by such State agency, if the management thereof for the conservation of wildlife relates to other than migratory birds; (b) by the Secretary of the Interior, if the waters and other interests have particular value in carrying out the national migratory bird management program."

SEC. 2. The provisions of such act of March 10, 1934, as amended, shall be applicable

hereafter with respect to any project for the control or use of water as prescribed in section 2 of such act, as amended by this act, or any unit of such project, hereafter authorized for planning or construction and to any project or unit thereof authorized heretofore if the construction of the particular project or unit thereof has not been completed.

LOANS TO CRAZY HORSE MEMORIAL FOUNDATION

Mr. MUNDT. Mr. President, I introduce, for appropriate reference, a joint resolution to provide a loan of $250,000 to the Crazy Horse Memorial Commission to finance the completion of the monument being carved by the renowned sculptor, Korczak Ziolkowski, to the memory of the great Sioux chief, Crazy Horse.

I should like first to underscore the fact that the amount provided in the resolution is a loan, to be repaid to the Federal Government with 4-percent interest from the gate receipts and contributions received by the Crazy Horse Memorial Foundation.

It will be noted that the proposed 4-percent interest rate is a higher rate of interest than the Government must pay in procuring the money. We wish particularly to point out that fact. This is a business proposition. It is neither a gift nor charity.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. MUNDT. I am happy to yield to my colleague.

Mr. CASE of South Dakota. I merely wish to say that it has been my privilege to know of this proposal since its inception. The original idea was proposed by Chief Henry Standing Bear. It was felt to be unfortunate that the American people thought of the End of the Trail statue as expressive of the American Indian. He wanted a representation which stood for hope, rather than despair. Therefore, he conceived the idea of a memorial to Crazy Horse, which should be an inspiration to all Americans.

The sculptor, Mr. Ziolkowski, has given splendid interpretation to this very worthy concept, and it should be completed within the lifetime of the sculptor. The proposal now being presented to the Senate is one way of getting it done.

Mr. MUNDT. The sculptor, Mr. Ziolkowski, has been working with his own resources since 1948 to create this work for the ages. It is feared, however, that at his present rate, relying as he has been on his own finances and modest private contributions, Mr. Ziolkowski will be unable to complete the work during his normal life span. In a story in the current issue of Time magazine, which I shall have printed in the RECORD following my remarks, Mr. Ziolkowski is quoted as saying he will not accept a Government loan, even if it is made available to him.

However, at the urging of many of Mr. Ziolkowski's friends, Indian and white, and citizens serving on the Crazy Horse Memorial Foundation, I am introducing a joint resolution providing a loan so that the project may be completed during the lifetime of the artist who first envisaged this great monument to the original American.

To indicate local support and interest in this undertaking I am asking unanimous consent that a petition bearing the names of 152 individuals of Custer, S. Dak., be printed in the RECORD following my remarks on this subject. Custer is the community which is located closest to the site of the monument.

It should be noted that the joint resolution does not contemplate the loaning of funds directly to the artist, but to the Crazy Horse Memorial Foundation, and that neither Mr. Ziolkowski nor any member of his family will be serving as a member of the foundation. Disbursement of funds will be made only by presentation of properly certified vouchers. Another fact worth noting is that none of the moneys proposed are to be used as compensation for the sculptor, Mr. Ziolkowski, who insists on contributing his own talents.

Among Indians, Crazy Horse is an immortal hero. He was a fighting chief, who honestly sought peace but rose magnificently in battle only in the defense of his people; to protect them, their lands, and their culture.

American cavalrymen rated him the Indians' greatest tactician. Interestingly enough, when I visited the President one day, our present Chief Executive said to me that as a young cadet at West Point he studied the military tactics of Crazy Horse as one of the items in the rule book indicating good cavalry tactics.

The nephew of Crazy Horse, Chief Henry Standing Bear, in writing to Korczak Ziolkowski, pleaded with him to "Caress a mountain so the white man will know that a red man had heroes, too."

When the work is finally completed on Thunderhead Mountain in our beautiful Black Hills of South Dakota, Crazy Horse will be depicted in full relief astride a stallion whose head will be 219 feet from ears to nose. The monument will be an equestrian statue 563 feet high, 641 feet long. The head of Crazy Horse will be 87 feet high, topped by a 44 foot feather. His arm as it points out across the horse's head will be 263 feet long.

When completed the Crazy Horse Memorial will dwarf such other great monuments as the pyramids of Egypt and will be a true tribute to our first Americans. It will be the world's largest monument dedicated to a great race—our original Americans.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the article published in Time magazine to which I have referred, and the petition from Custer that I have mentioned.

There being no objection, the article and petition, with the signature attached, were ordered to be printed in the RECORD, as follows:

THE MOUNTAIN CARVER

Boston-born Korczak Ziolkowski likes to do things on a big scale. A brawny 6-footer who wears a full-blown 8-inch beard, he can still, at 48, lift a 500-pound weight off the floor. His name itself (approximate pronunciation: Kor-chak Jule-kuff-ski) is so big a mouthful that even old friends avoid using it so they won't mispronounce it. But the biggest thing about Ziolkowski is his ambition. It is to carve the most mountainous piece of manmade sculpture in recorded history. He is working on a piece of material that is to the measure of his ambition—a mountain.

Sculptor Ziolkowski's subject is Crazy Horse, the Sioux chief who was captured and killed in 1877, after the slaughter at the Battle of the Little Big Horn, where Custer made his last stand. In 1939 Crazy Horse's nephew, Henry Standing Bear, who knew that Ziolkowski had done some work on South Dakota's Mount Rushmore, asked him to carve a Crazy Horse memorial. Said Standing Bear, after a long look at the faces of the Presidents on Mount Rushmore: "We want the white man to know that the Indian had heroes, too."

MAN WITH AN AX

His sympathy for the underdog aroused, Ziolkowski closed his studio at Hartford, Conn., went to the Black Hills of South Dakota to build his monument as a symbol of the downtrodden of the earth. But the late terrible-tempered Harold Ickes, then Secretary of the Interior, snapped at him: "I won't permit you to carve up my mountains." That was not enough to stop Ziolkowski; he bought a mountain all his own.

Ziolkowski quickly showed that he had the energy to go with his size and ambition. Ax on shoulder, he went into the woods, felled and milled timber, and built with his own hands a house at the foot of the mountain and a 700-foot ladder up its side. For 2 years, until he rigged a makeshift cable hoist and then built a road to the top, he lugged lumber and equipment up the mountain, piece by piece, on his back. He made a model and set out to carve out of the rock mountain the figure of Crazy Horse mounted on a plunging steed. To the derisive question of the white man, "Where are your lands now?" his figure of Crazy Horse points its tragic answer with a 300-foot arm, "My lands are where my dead lie buried." The figure has been outlined with paint (143 gallons), and is to stand in the round on the majestic scale of 563 feet in height by 641 feet in length. Standing Bear touched off the first charge of dynamite on June 3, 1948 (each blast removes about 200 tons of rock), and the sculpting has been going on ever since. So have arguments.

In the nearby town of Custer, S. Dak. (population 3,000), Ziolkowski became a center of controversy. At the Gold Pan Tavern and Flyspeck Billy's along Custer's main street, just 4 miles from Crazy Horse, sentiment ran high. More than half the town was behind Ziolkowski, but some of the people thought that Crazy Korczak would be a better name for the venture. Financing the work with his own money, contributions and tourist admissions, Ziolkowski has not got on as fast as some of his boosters would like. They persuaded him to seek a Federal loan, but when his critics objected that public funds should not be used for so tenuous a venture, Ziolkowski balked. Last week he said with a loud tone of finality: "It was not the white man that asked me to come out here, it was the Indians. Even if the Government does lend me the money, I won't accept it."

FINISHED AT 117?

To feed his large-scale family (Ziolkowski and his wife Ruth have six children, are expecting a seventh) and to help finance his dream, he bought cows and established a successful dairy farm, bought and successfully operated a sawmill. He and his wife milk the cows (by machine), manage the sawmill, shepherd the tourists, and keep digging at the mountain. At times they startle visitors by coming in from work in mountain-and-barn clothes and appearing for dinner a few minutes later in formal dress.

So far most of the sculpting has been done by dynamite and bulldozer, but Ziolkowski hopes to get within 6 inches of the lines of the face by the end of this summer. Then he can get down to detailed carving with jackhammer, and finally with mallet and chisel. On top of his mountain he can see far into the future. "There is where the university will be," he says, "and over here the medical center. The series of lakes will run down that meadow. There will be an airstrip, 7,200 feet long, out there by the highway."

When he began the job 9 years ago, Ziolkowski reckoned that he could finish it in 30 years. He has removed about 765,000 tons of rock and still has about 5,235,000 tons to go, is 5 years behind his 30-year schedule. A local supporter has told Ziolkowski that at the rate he is going he will finish at about the age of 117. "You're a good man," the friend said, "but not that good." Retorts Ziolkowski: "I came out here to carve a mountain, and I'm going to get it done."

We the undersigned citizens of Custer, S. Dak., favor the $250,000 proposed legislation for a Government loan to the Crazy Horse Commission. This will enable the carving of this great memorial to the North American Indian to become a certainty. The bill provides that all moneys spent must be for actual labor and supplies for carving the memorial. The Federal Government will name the depository, the money must be budgeted and the Commission will maintain a strict and businesslike management over the expenditure of all funds.

Clarence J. Chedes, Walter W. Black, Lorene C. Young, Rollie W. Pettit, George Pepper, Paul Kenzy, Lela Lane, S. B. Addis, R. L. Thomas, K. E. McColley, John M. Haines, Rose and Bill Triplett, Robert McRobbie, R. E. Scheinost, Marion Flatt, Leonard Roudebush, Fay G. Fletcher, James R. Webb, Bill Sager, Bernie Tennyson, W. A. Mayhew, J. B. Webber, Robert E. Pointer, L. M. Lest, Carl J. Boe, H. R. McLaughlin, Theo. F. Wordford, Harold Knight, A. Q. Freeland, D. Tripet, A. Tripet, Marion Aabreth, Garnet Burke, James Moyer, Mrs. Wm. Relse, Albert Stoller, O. T. Whitley, L. J. Thebo, Bert E. Kasthaus, John F. Naugle, Custer, S. Dak.

Eric Heidepriem, Fred G. Heidepriem, Raymond Fox, Louis Canedy, Vincent E. Anderson, Eunice I. Rice, Maude Burron, Erwin H. Carter, Will Carter, C. C. Nelson, Earl C. Larson, Bernard A. Gira, Margaret Curran, C. I. Taunsley, Paul Hagenlock, Edna M. Larson, Wendelin Thomas, James G. Kennedy, R. W. Evans, D. L. Bennett, W. M. Lee, J. P. Calvird, L. H. Stender, Norman Borgen, Oscar Boettcher, Bob's Cafe, S. L. Stedman, Edlen Edsall, George Campbell, B. M. Dilley, John Waletish, June Leveaus, Amy C. Scott, Robert C. Debsepell, Paul D. Holmes, Wm. Andre, W. L. Kubler, Marie da Keyser, Fred Edwards, Melvin J. Gibbs, Custer, S. Dak.

B. J. Baldwin, J. A. Wallace, Frank Baker, Darrel Parlin, H. P. Reedy, L. D. Naiman, Luella Naiman, B. L. Solom, Caroline Solom, Delbert McKenna, Albert Best, Rose Best, Charles Best, John Dyury, William R. Stiles, P. H. Brennan, William Campbell, Alvis Walker, George L. Monser, Magner Monser, Edward Campbell, Harold E. Varim, Don Gabel, Alta Gabel, Emil's Repair Shop, Mrs. S. A. Wallace, Leo Harbach, F. G. O'Connor, Lee Burrow, Evelyn Moye, Olive Thompson, Clarence G. Olson, Custer, S. Dak.; Glen W. Burdine, Ada Burdine, Rapid City, S. Dak.; Everett Seeger, Kenneth Voorhees, Gene L. Phillips, John C. Miller, Mrs. John Miller, Owen W. Baldwin, E. R. Huston, Charley A. Conger, R. P. Cooper, C. M. Jenniger, Custer, S. Dak.

R. J. McKuinen, Harvey L. Jones, John L. Kidwell, Jack C. Hall, Robert E. Leyson, Frank Stiles, Custer, S. Dak.; James C. Quinn, Rapid City, S. Dak.; Arnold A. Vieth, Robert B. Davis, Bercha L. Davis, Rose Morris, Irma Newberg, Walt Johnson, Chandler R. Young, Vera Jane Gibson, Edwin Schmitt, B. F. Schuink, Mrs. Isak Larson, R. F. Peck, John J. Maier, Linwood Dillon, James G. Kennedy, Andy Svoboda, Hugh Farley, Ron Decker, Erma Ferris, R. A. Wyland, Custer S. Dak.

The PRESIDENT pro tempore. The joint resolution will be received and appropriately referred.

The joint resolution (S. J. Res. 117) to authorize the Secretary of the Interior to make loans to the Crazy Horse Memorial Foundation, and for other purposes, introduced by Mr. MUNDT, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

DISCRIMINATION BY FOREIGN GOVERNMENTS AGAINST CERTAIN UNITED STATES CITIZENS

Mr. HUMPHREY. Mr. President, on June 13, I took the Senate floor to renew my protests over the State Department's failure to pursue Senate Resolution 323, of the 84th Congress, in its negotiations with Saudi Arabia. That resolution placed the Senate firmly on record opposing the discrimination imposed by foreign governments against United States citizens.

The American Jewish Congress has just released an excellent pamphlet summarizing the whole case history of Saudi Arabia's discrimination against American Jewish citizens. This account is entitled "What Price Bias—The Dhahran Airfield." The distinguished former Secretary of the Air Force, the Honorable Thomas K. Finletter, has written the introduction. I ask unanimous consent that this document, including Mr. Finletter's introduction, be printed at this point in my remarks.

There being no objection, the pamphlet was ordered to be printed in the RECORD, as follows:

WHAT PRICE BIAS: THE DHAHRAN AIRFIELD

FOREWORD

Foreign policy and the security of the United States frequently involve a difficult balance of expediency and principle. A distinguished characteristic of our country in all its history has been our insistence on maintaining our standards and principles as a democratic nation in all our dealings in the field of international relations. It has been a precept of our country that expediency must not displace integrity and that it is not necessary to our security that it should.

The practice of discrimination by the Saudi Arabian Government against American military personnel at the Dhahran air base in that country dramatically confronts us with the question whether we should sacrifice American principles to expediency. The United States is now assisting Saudi Arabia in its discriminatory practices by screening American military personnel assigned to service at Dhahran to comply with the Saudi Arabian regulation that no Americans of Jewish faith shall be included among our Armed Forces to be stationed in Saudi Arabia. This seems to me a state of affairs which should not be accepted and should be stopped. If the United States permits foreign countries to make distinctions among American citizens because of their religion we are not far from making such distinctions ourselves. As President Truman has pointed out, the exclusionary clauses in the original Dhahran air base lease were conventional clauses designed to bar objectionable individuals and not entire religious groups.

There has been much unfounded talk about the "vital" necessity of the Dhahran Airfield to the interests of the United States. I think I am reasonably aware of the importance of the base structure of our Air Force and I cannot agree with the idea that any one base such as Dhahran is vital. I happen to believe that our base structure should be strengthened well beyond its present state but there are other than Dhahran where a substitute base for Dhahran and the additional bases which are needed could be located. I do not believe that the need for the Dhahran Airbase in any way requires us to sacrifice the principles in which the American people believe. I think, in short, that the value of the Dhahran base is relatively small and that it can be replaced, but that the value of the principle involved is high and cannot be replaced.

I believe our country has much to gain in its domestic and international affairs by standing firm upon the great principles of freedom of worship and equality of the rights of the individual, which are keystones of the American creed.

THOMAS K. FINLETTER.

JUNE 6, 1957.

BACKGROUND OF THE DHAHRAN AIRFIELD

In 1943, in the midst of the Second World War, Col. Harry R. Snyder first conceived the plan for an American airfield on the western shore of the Persion Gulf to facilitate the movement of United States forces between Europe and the Far East.[1] Despite British opposition to such a project on the ground that no military necessity for the airfield existed, the United States Government by agreement with Saudi Arabia acquired a base at Dhahran, Saudi Arabia, on a tract of land located approximately 3½ miles from the installations of Aramco—the Arabian American Oil Co.[2] The airfield is on the western shore of the Persian Gulf.

Begun in the summer of 1945, the airfield was completed in March 1946. Between August 15, 1945, and the latter date, approximately $3,500,000 was spent to equip the field which can accommodate the largest type of aircraft.[3] The total cost of constructing the Dhahran facilities has been estimated to be in the neighborhood of $50 million.[4] Dhahran has two 7,000-foot runways, more than adequate hangar and repair facilities and is considered the best airport in the Persian Gulf area. Equidistant from Cairo and Karachi, it is a center for air communications and as many as a thousand military and nonmilitary airplanes have put down there in 1 month.[5]

The airfield was obtained originally to create a stopping-off place for flights supplying American troops and installations in India and Southeast Asia. The airfield is currently not militarized; the airmen there are completely unarmed and neither target practice nor any other kind of military exercises are permitted to the Americans.[6] No tactical military aircraft are now at Dhahran. According to the terms of the 1951 Dhahran

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[1] K. S. Twitchell and Edward J. Jurji, Saudi Arabia (2d edition, Princeton University Press, 1953), p. 202.

[2] S. Rept. 440, pt. 5, p. 17, 80th Cong., 2d sess. (1948).

[3] Ibid.

[4] New York Times, July 27, 1956.

[5] Richard H. Sanger, The Arabian Peninsula (Cornell University Press, 1954), pp. 114–115.

[6] New York Times, July 27, 1956; Washington Post, February 11, 1957.

agreement, "United States aircraft are permitted to use the Saudi Arabian Government Airport at Dhahran (only) to land and take off for refueling and other technical services such as maintenance and repair." [7] It has been reported that Air Force commanders "regard it as being too close to Russia to risk staffing it with modern aircraft. * * *" [8] Consequently, from the strictly military viewpoint, it is a "'standby' base in every sense of the word".[8]

If Dharhan has an immediate military value, it is as a military transport center and as a focal point in America's system of worldwide air communications. Some 2 or 3 large military transport planes from the Far East land at Dhahran each week; almost 1 airplane a day arrives from the United States. In addition, three local military air services use Dhahran as a terminus. There is one service from Dhahran to Teheran, another across Saudi Arabia to Asmara in Eritrea and on to Addis Ababa, and a third one connecting with Beirut, Adana (Turkey) and Athens.[9]

It may well be that the existence of the Dhahran airfield is a far greater boon to commercial airlines than it is to American military aviation. In fact, "testimony at the [special Congressional] committee [investigating the national defense program in 1943] revealed that Aramco is the principal beneficiary of this field." [10] In addition to Aramco, Dhahran is used regularly by TWA, KLM-Royal Dutch Airlines, and Saudi Arabian Airways, the contract for whose operation and maintenance was given to TWA late in 1946.[11] These companies pay landing fees directly to the Saudi Arabian Government.[12]

UNITED STATES-SAUDI ARABIAN AGREEMENTS

The 1945 negotiations between King Ibn Saud and the American Minister to Saudi Arabia resulted in an agreement permitting the United States to build the airfield at its own expense and then to lease it for a 3-year period. It is important to note that under this first arrangement all fixed installations and other property used in operation and maintenance of the airfield reverted to the Saudi Arabian Government in 1949.[13] On June 23 of that year the Saudi Arabian King renewed the lease for 6 months, and similar brief extensions were obtained until 1951, when the United States began to press for a new and more comprehensive agreement.[14]

On June 18, 1951, Saudi Arabia and the United States exchanged diplomatic notes, the basic provisions of which are given below, extending the Dhahran leasehold for 5 years. Following discussions at Washington last January between King Saud and President Eisenhower, the 1951 arrangement was renewed on April 8, 1957, for an additional 5-year period. Since these arrangements on Dhahran were concluded as executive agreements rather than as treaties, none of them has ever been submitted to the Senate for ratification.

The 1951 agreement provided for the continued use of facilities and services at Dhahran Airfield by the transient and supporting aircraft of the Government of the United States in exchange for the stationing at Dhahran of an American mission to train Saudi Arabian nationals and to organize the airport's technical operations.[15] Moreover, the American mission agreed to make available its weather services, radio communications, air rescue and aircraft operation services for the use of civilian aircraft * * * authorized by the Saudi Arabian Government to use Dhahran Airfield.[16]

Among provisions specifically advantageous to Saudi Arabia were the following: (1) All new "installations and constructions * * * become * * * the property of the Saudi Arabian Government," as do all existing fixed properties.[17] (2) Civil aviation operations were under the administration and responsibility of Saudi Arabia.[18] (3) The United States mission undertook to train, both in Saudi Arabia and at United States Air Force schools in this country, groups of Saudi Arabians in airfield operation and maintenance.[19] The principal specific advantage of Dhahran to United States military and civilian interests is the availability of a modern air terminus in the heart of our Middle East oil resources, relatively close to the borders of the U. S. S. R. and 1,000 miles south of its Baku oilfields.

The 1957 agreement,[20] which is embodied in a letter from Deputy Under Secretary of State Robert Murphy to the Saudi Arabian Ambassador in Washington, renews the Dhahran lease until 1962. The United States agreed to supply $50 million worth of military equipment,[21] to construct new facilities at the airbase, to institute a training program for the Saudi Arabian Air Force, to augment its present advisory program for the Saudi Arabian Army, to train naval personnel for the desert kingdom and to help in the expansion of the port of Damman. All that Saudi Arabia has ever given in return is the temporary use of some acres of desert land.

SAUDI ARABIAN RESTRICTIONS

The principal restrictions by Saudi Arabia upon the Government and citizens of the United States, as stipulated in the 1951 agreement, are:

2. (b) The number of the members of the [United States] mission will be determined by request of the head of the mission and approval thereof by the Saudi Arabian Minister of Defense.

2. (d) It is provided that there must not be among members of the mission or among the other employees any individual who is objectionable to the Saudi Arabian Government, and that the Government of the United States will submit a detailed list of the names and identity of these personnel and employees.

2. (e) If the Saudi Arabian Government requests the mission to send out or replace any of its personnel or employees whom the Saudi Arabian Government does not desire to remain in the country, the mission will carry out such request promptly.

3. (d) The number of aircraft which will be permitted to be based at Dhahran Airfield and which will be used for air rescue and other authorized operations will be determined by request of the United States mission and approval of the Saudi Arabian Minister of Defense.

11. The members of the mission, its personnel and employees may carry on any social activities on condition that they will take into account the local customs and laws in effect in Saudi Arabia.

18. The mission is permitted to contract for any construction work at Dhahran Airfield authorized by this agreement without restriction as to choice of contractor provided that the contracting firm or the people working with it will not be unacceptable to the Saudi Arabian Government.[22]

The practical effect of these clauses, as interpreted by Saudi Arabia with the acquiescence of the United States, is that American Christians at Dhahran are restricted in the practice of their religion and American Jews are totally excluded from the country. In March 1956, Dr. Marion J. Creeger, director of the General Commission on Chaplains, an interdenominational Protestant organization, revealed that on a recent trip to Dhahran, two Catholic priests accompanying him were compelled to don open-necked sport shirts and civilian clothes. Dr. Creeger added that chaplains do not wear insignia and that religious services are held behind closed doors.[23] A few weeks later, Dr. Glenn L. Archer, executive secretary of Protestants and Other Americans United for Separation of Church and State, wired President Eisenhower and Secretary Dulles that the latter had admitted to the Senate that detailed lists, including religious designations of United States personnel scheduled for assignment to the airbase are regularly submitted to Saudi Arabian authorities. * * * Further, Dr. Archer noted that "United States chaplains refrain from wearing * * * crosses indicating their Christian faith, and conduct services for American personnel with as much secrecy as possible, while Catholic prelates substitute lay attire for their usual religious garb in order to avoid incidents." [24]

The only legal justification for the restrictions against Jews is a conventional clause intended to bar objectionable individuals, not entire ethnic groups. The Department of State has confirmed that Saudi Arabia excludes public identifications and practices of other religions, prohibiting the public display of Christian insignia by American chaplains and publicly held Christian religious services.[25]

In an official statement, dated October 18, 1956, the State Department's Public Services Division confirmed the existence of Saudi Arabian regulations barring the entrance or transit of persons of the Jewish faith * * * thus leaving no doubt that these regulations have been faithfully adhered to by the United States. No American Jews are permitted to be employed by Aramco [26] or any

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[7] U. S. Treaties and Other International Acts Series, No. 2290, p. 10. Cited hereafter as T. I. A. S. 2290.

[8] U. S. News & World Report, July 13, 1956, p. 102.

[9] Testimony by George Wadsworth, United States Ambassador to Saudi Arabia, on February 6, 1957, Hearings Before the Committee on Foreign Relations and the Committee on Armed Services, U. S. Senate, on S. J. Res. 19 and H. J. Res. 117, 85th Cong., 1st sess., pt. 2, p. 656. See New York Times, Report on the Middle East: A Vital Region in Upheaval, April 2, 1957, p. ME–1.

[10] S. Rept. No. 440, pt. 5, p. 17, 80th Cong., 2d sess. (1948).

[11] Sanger, The Arabian Peninsula, p. 114; and J. C. Hurewitz, Middle East Dilemmas: The Background of United States Policy (Council on Foreign Relations and Harper & Bros., 1953), p. 137.

[12] Testimony by Adm. Arthur W. Radford, Chairman, Joint Chiefs of Staff, on January 30, 1957, hearings * * * on S. J. Res. 19 and H. J. Res. 117, pt. 1, p. 424, 85th Cong., 1st sess.

[13] See T. I. A. S. 2290, p. 10.

[14] Hurewitz, Middle East Dilemmas, p. 129; and Hurewitz, Diplomacy in the Near and Middle East: A Documentary Record, 1914–56 (D. Van Nostrand Co., Inc., 1956), II, 323.

[15] T. I. A. S. 2290, p. 9.

[16] Ibid., p. 15.

[17] Ibid., p. 12.

[18] Ibid., p. 11.

[19] Ibid., pp. 15–17.

[20] The text is reprinted in the New York Times, April 19, 1957.

[21] Reported by Dana Adams Schmidt, New York Times, April 9, 1957.

[22] T. I. A. S. 2290, pp. 9–10, 13, 16.

[23] Religious News Service, March 30, 1956.

[24] Quoted in ibid., April 17, 1956.

[25] Letter from Fraser Wilkens, Director, Office of Near Eastern Affairs, to Reuben Kaminsky, national commander of the Jewish War Veterans of the United States, April 6, 1956.

[26] In 1950, the New York State Commission Against Discrimination reported that it was informed by the Arabian American Oil Co. that the [Saudi] Arabian Government does not issue visas to persons of the Jewish faith. The company advised that it had an understanding with the Arabian Government to screen all prospective employees for work

other private American establishment, nor are Jewish military personnel, regardless of their qualifications and the need for their services, ever assigned to Saudi Arabia. A good case in point is that of Lt. Col. Hyman Wilensky, of the United States Air Force Reserve. On January 26, 1957, in a letter to the New York Daily News, he wrote:

"In 1945, I, holding the rank of major in the United States Army, as Chief of the Theater Claims Service of the African-Middle East Theater, had my request for temporary duty in Saudi Arabia to investigate a claim filed by the Arabian American Oil Co. denied. The reason for the denial—not on the record, of course—was that I was of the Jewish faith and so persona non grata to that Government. And all of this before the birth of the State of Israel."

American acquiescence in these regulations has been explained by the State Department in these terms: "International law and practice recognize the fundamental right of a sovereign state to determine whether and under what conditions aliens may enter its territory." [27] But the 1951 agreement with Saudi Arabia was concluded by the Truman administration and, consequently, Mr. Truman's interpretation of its restrictive clauses should be binding on the State Department. He has insisted that the agreement was "not intended to bar American Jews or any other Americans" and that Saudi Arabia had the right to exclude persons from Dhahran only "on an individual and not on a race or creed basis." [28]

UNITED STATES ACQUIESCENCE IN ANTI-JEWISH RESTRICTIONS

During the last several years various departments of the Government have publicly acknowledged and to a large extent acquiesced in the discriminatory practices of Saudi Arabia against United States citizens. Examples of these statements are cited in chronological order:

1. A United States Air Force Manual, published in June 1953, stated: "Individuals of Jewish faith or descent are strictly barred entrance to or transit of Saudi Arabia. Further, any passport containing an Israeli visa will not be honored." [29] Although this sentence in the manual has since been deleted, the policy that it describes still remains in effect and American Jews are simply not posted for duty in Saudi Arabia.

2. In a letter, dated June 20, 1955, to Senator Herbert H. Lehman, Harold E. Talbott, then Secretary of the Air Force, wrote:

"The countries of Saudi Arabia and Jordan for purposes of internal security will not issue a visa for persons of the Hebrew race. This restriction is not only applicable to American citizens, but applies to Jewish people of all nations. * * *

"These restrictions are promulgated and enforced by the Arabic countries and are not within the prerogative of the State Department or the military to change."

Essentially, this view was repeated to Mr. Lehman by Secretary Talbott in his letter of July 20, 1955, in which he wrote: "The Air Force is cognizant of the situation concerning restriction of travel to members of the Jewish faith to Saudi Arabia. * * * However, it must be recognized that we are dealing with a tradition of long standing.

3. In the same vein, Secretary of State John Foster Dulles told the Senate Foreign Relations Committee on February 24, 1956, that, in regard to the exclusion of American service personnel of the Jewish faith at Dhahran, "we, perforce, accommodate ourselves to certain practices they have which we do not like." [30]

4. On May 22, 1956, the State Department sought to justify the existing situation and issued a public statement from which the following excerpts are taken:

"The restrictions practiced by certain Arab states against persons of Jewish faith and firms having connections with such persons arise both from feelings generated by the Arab-Israel dispute and from certain historical traditions.

"Saudi Arabia presents a special problem. The policy in effect of prohibiting the entrance or transit of persons of the Jewish faith has existed since the early days of Islam, many centuries ago. Relations with Saudi Arabia have for many years been of importance to the United States. The United States has made no agreement concerning the assignment of military personnel of the Jewish faith to Saudi Arabia, although the assignment of such persons is presently prohibited by Saudi Arabian visa regulations.

"International law and practice recognize the fundamental right of a sovereign state to determine whether and under what conditions aliens may enter its territory. We believe that American citizens should enjoy all the rights and privileges in a foreign country which we allow the nationals of that country in the United States. However, we are obliged to recognize that any attempt by this country to force our views on a foreign nation would be considered intervention in the domestic affairs of that nation and therefore greatly resented." [31]

5. On October 8, 1956, Robert Tripp Ross, then Assistant Secretary of Defense for Legislative and Public Affairs, in reply to a letter of Senator James H. Duff, noted inter alia that: "The restrictive provision governing the admission of United States military personnel into Saudi Arabia was contained, upon the insistence of the Government of Saudi Arabia, in the bilateral agreement * * * which was entered into on June 18, 1951." [32]

"The Department of State * * * has advised that it will * * * continue to exert every effort to obtain a rescission of the general restrictions imposed by the Government of Saudi Arabia with respect to the entry of American citizens of the Jewish faith. You may be assured that the Department of Defense will support this endeavor in every manner possible.

"In making assignments of military personnel, however, the military departments must avoid those which might be likely to make an individual subject to embarrassment or to place him in jeopardy; therefore, the assignment to Saudi Arabia of military personnel will have to remain contingent upon our success in persuading the government of that country to accede to our wishes in this matter."

6. On November 6, 1956, Mr. Ross wrote to Dr. Israel Goldstein, president of the American Jewish Congress:

"The restriction which has resulted in the nonadmission of military personnel of Jewish faith to Saudi Arabia does not represent a policy of the United States Government nor has this Government ever endorsed or condoned it. It is a restriction which has been imposed by the Government of Saudi Arabia pursuant to a national policy * * * of excluding all Jewish personnel, regardless of nationality or military status."

The Secretary also took the occasion to stress that "the extension of the base rights [at Dhahran] is an essential part of the overall security of a part of the world where the retention of United States influence * * * is vital to us." He therefore implied that the question of discrimination at Dhahran must give way to other considerations.

7. On April 20, 1957, Senator JACOB K. JAVITS made public an exchange of letters between himself and Robert C. Hill, Assistant Secretary of State, in which the latter wrote that during the discussions on the renewal of the Dhahran agreement the United States had expressed "our special concern over restrictions on the admission of persons of the Jewish faith into Saudi Arabia." Mr. Hill added, however, that "the representatives of Saudi Arabia explained that their regulations were not intended to discriminate against the citizens of another country on the basis of religion, but were related to the tensions arising from the Arab-Israel dispute." [33]

8. Most recently, when Secretary Dulles was asked at a news conference on April 23, 1957, what steps had been taken to have Saudi Arabia allow American airmen of the Jewish religion to serve at Dhahran, he replied: "We brought up the matter * * * during the talks that took place when King Saud was here. I did not find his attitude at that moment very receptive, largely perhaps * * * because of the fact that he felt that he had not been given nondiscriminatory treatment himself in the city of New York." [34]

9. On May 17, 1957, Assistant Secretary of State Robert C. Hill informed Senator WILLIAM F. KNOWLAND by letter:

"I can assure you we are concerned over practices of foreign governments which are contrary to basic American principles, and we have brought our concern to the attention of foreign governments, including that of Saudi Arabia. Saudi Arabia visa practices which discriminate against the entry of American citizens of the Jewish faith have been related by the Saudis to tensions arising from the Arab-Israel dispute. We do not agree with this association but it nonetheless is an element in any discusison of the problem with nations in the area, including Saudi Arabia. We shall continue to work for the acceptance of American principles by foreign governments in the treatment of American citizens, and specifically for the amelioration of the problem arising from the Saudi Arabian Government's visa regulations."

As will be shown, the State Department's policy surrenders principle to obtain a dubious advantage, not essential to our security. Regardless of Saudi Arabia's right to control its domestic affairs, the United States is not compelled to make deals with a country that discriminates against American citizens. Furthermore, there is every reason to believe that a show of firmness by the United States would compel Saudi Arabia to retreat from a position so hostile to American tradition.

SENATE RESOLUTION OPPOSING DISCRIMINATION

This attitude of the State and Defense Departments toward discrimination in Saudi Arabia has not gone unchallenged. On June 27, 1956, a bipartisan group of 25 Senators introduced Senate Resolution 298 which asked the President to notify the world that the United States would tolerate no distinctions on religious grounds among American citizens and would not enter into any diplomatic arrangements that sanctioned such distinctions. Modified and reintroduced as Senate Resolution 323, the resolution was

in Arabia before they applied for Arabian visas for the purpose of excluding persons of the Jewish faith to whom visas will not be granted. New York State Commission Against Discrimination, 1950 Progress Report, pp. 47–48.

[27] Statement of the Public Services Division, May 22, 1956.

[28] Quoted in the New York Times, March 4, 1956.

[29] U. S. Air Forces Europe (USAFE) Manual, 30–1.

[30] Situation in the Middle East: Hearing before the Committee on Foreign Relations, U. S. Senate, p. 45, 84th Cong., 2d sess.

[31] Statement of the Public Services Division.

[32] This agreement has since been renewed.

[33] Quoted in the New York Times, April 21, 1957.

[34] Quoted in the New York Times, April 24, 1957, p. 14. This is in reference to the refusal of the mayor of New York to extend official courtesies to the visiting Saudi Arabian monarch.

adopted unanimously on July 26, 1956. Specifically, it notes:

"It is a primary principle of our Nation that there shall be no distinction among United States citizens based on their individual religious affiliations * * * any attempt by foreign nations to create such distinctions among our citizens in the granting of personal or commercial access or any other rights otherwise available to United States citizens generally is inconsistent with our principles."

Further, the resolution urges: "In all our negotiations between the United States and any foreign state every reasonable effort should be made to maintain" the principles that "any distinctions directed against United States citizens * * * [are] incompatible with the relations that should exist among friendly nations."

Ironically, the United States Government has relied upon certain language in Senate Resolution 323 to explain its continuing inability to effect a change in the discriminatory practices of Saudi Arabia. Thus Assistant Secretary of Defense Robert Tripp Ross wrote to Dr. Israel Goldstein, president of the American Jewish Congress:

"The fact that our Government cannot dictate the terms of negotiated agreements with other sovereign governments is recognized by Senate Resolution 323 itself, wherein it states 'that in all negotiations between the United States and any foreign state [every reasonable effort should be made] to maintain this principle." [35]

OTHER PUBLIC PROTESTS

At their national conventions last summer, each of the two major political parties in this country adopted planks opposing discrimination by foreign governments against American citizens. The Republican Party platform stated:

"We approve appropriate action to oppose the imposition by foreign governments of discrimination against United States citizens, based on their religion or race."

The platform of the Democratic Party read:

"We oppose, as contrary to American principles, the practices of any government which discriminates against American citizens on grounds of race or religion. We will not countenance any [arrangement or treaty with any government which by its terms or in its practical application would sanction such practices]." [36]

The American Jewish Congress brought the situation to the attention of the President's Committee on Government Employment Policy and the President's Committee on Government Contracts, and both agencies appreciated its seriousness. In the fall of 1956 a delegation from the two committees met with high officials of the State Department, emphasizing "the gravity of the discriminatory practices" and urgently requesting the Department "to intensify its efforts to resolve these problems." At the same time, the President's Committee on Government Contracts reviewed with officers of the Department of Defense "the nondiscriminatory policy in connection with their contracts in Saudi Arabia. * * *" [37] Furthermore, on October 24, 1956, Maxwell Abbell, chairman of the President's Committee on Government Employment Policy, wrote to Secretary of State Dulles saying:

"I strongly urge you to take definite action to correct this unwholesome and morally untenable position. Every foreign government as well as every American citizen must be assured that the United States Government makes no distinction between its citizens and that it will uphold to the fullest extent the right of every American citizen to be assured an American passport granting him equal privileges with every other American citizen and the right of every American citizen, regardless of faith, creed or color, to serve in the American Armed Forces in every country abroad, to work on Government contracts in every foreign country and to serve the Federal Government as an employee in any and every foreign country."

AMERICAN BASES IN SPAIN

In connection with the airbase agreement that the United States and Spain concluded on September 26, 1953, United States military officials entered into negotiations with the Spanish Government on matters relating to the marriage of American military personnel stationed in Spain. The proposed arrangement, publicized at the end of December 1954, provided inter alia that if two Americans, one of whom was a Catholic, wished to be married by a United States chaplain, they could do so only if the Catholic had received permission from the Spanish Catholic Church.[38] But as a result of mounting criticism here at home, on the ground that the projected arrangement violated established American principle and practice with regard to religious liberty,[39] all plans to regulate the marriage of Americans in Spain were ultimately dropped. On June 26, 1956 the State Department informed the American Jewish Congress as follows:

"After a period of discussion on the above subject with the appropriate Spanish authorities, it was decided that any formal agreement on such matters as the marriage and church attendance of United States military personnel in Spain was not appropriate. * * * To the knowledge of the Department, there have been no difficulties with regard to the activities of United States military chaplains at base facilities in Spain and they have been performing their usual functions."

In contrast to our attitude toward a similar set of circumstances in Saudi Arabia, the Spanish experience illustrates the refusal of the United States to join in the abrogation or abridgement of the rights of American citizens serving abroad. This is particularly significant inasmuch as American facilities in Spain are much more extensive and costly [40] than those at Dhahran and the Spanish restrictions may be considered relatively more reasonable than what is demanded by Saudi Arabia. Yet the United States resisted the former's and has yielded to the latter's demands.

OIL AND THE DHAHRAN AIRFIELD

One cannot be unmindful of the relationship between the Dhahran installation and Saudi Arabia's positon as one of the world's leading repositories of petroleum. As is known, the concession to exploit the oil reserves of that country has been given to an American company: the Arabian American Oil Co. (Aramco), whose shares are held by the Standard Oil Company of New Jersey (30 percent) the Texas Co. (30 percent), the Standard Oil Company of California (30 percent), and the Socony Mobil Oil Co. (10 percent).[41]

Undoubtedly, the existence of oil in Saudi Arabia, as well as Aramco's special position there, influenced the decision of the United States to acquire leasing rights at Dhahran and to accommodate itself to the prejudices of Saudi Arabia. In so doing, the Government has apparently failed to appreciate that "the Arab oil-producing countries are much more desperately in need of the income the West can give them for their oil and of the latter's ability to transport, use and market it than the West, as a whole, is in need of Middle East oil." [42] In 1955, Saudi Arabia received almost $260 million, or approximately 71 percent of its governmental budget, in oil royalties from Aramco.[43] It is therefore difficult to conceive that Saudi Arabia would interfere with the Aramco concession because of our insistence upon nondiscriminatory treatment of our citizens in Saudi Arabia.

If experience is any indication of future action, it is worth recalling that neither after the United States support of the Palestine partition resolution nor after our diplomatic recognition of Israel did Saudi Arabia stop the flow of oil to the West. In fact, on February 27, 1948, a correspondent of the New York Herald-Tribune reported from Dhahran that despite Arab bitterness against the United States for supporting the creation of a Jewish state (the late) King Ibn Saud had assured Aramco that its oil concession in Saudi Arabia would not be canceled. If it did not take such a drastic step in these situations, it is unlikely that Saudi Arabia would cancel the Aramco concession if we were firmly to insist upon the right to station at Dhahran American servicemen of the Jewish faith, a situation which, unlike our support of Palestine partition and our recognition of Israel, would in no way benefit Israel.

RESISTANCE TO ARAB INTRANSIGENCE

Our Government's acquiescence in Saudi Arabian discrimination against American citizens often produces the impression that Arab intransigence is so intense that absolutely nothing can be done to alter it in any way. Events, however, prove that the Arabs will abandon their intransigence and threats whenever they are faced with unyielding determination on the part of other countries.

The German-Israel reparations agreement, offers an excellent illustration. During the negotiation of this agreement, which obligates West Germany to pay Israel some $822 million in goods and services over a 14-year period, Arab diplomats and propagandists did everything possible to prevent the signing and then the ratification of this treaty. The principal Arab weapon was a threat to boycott West Germany and to close the expanding Middle East markets to German exports.[44]

Notwithstanding this threat, the Bonn Government proceeded to ratify the agreement in March 1953. Yet German exports to the Arab countries as a whole have increased rather than decreased. For example, in 1953, the dollar value of German exports to Egypt, Iraq, Jordan, Lebanon, Saudi Arabia and Syria amount to $94,929,000. In 1955, the

[35] The bracketed matter is in Mr. Ross' letter, dated November 6, 1956.

[36] Matter in brackets added.

[37] Letter from John A. Howard, executive vice chairman of the President's Committee on Government Contracts, to Dr. Goldstein, October 9, 1956.

[38] New York Times, December 28, 1954.

[39] See, for example, Religious News Service, December 29, 1954; January 3, 1955; January 31, 1955; March 11, 1955; and the New York Times, December 27, 1954.

[40] Five major airbases are about half built and some 25 other installations are "in various stages of selection, construction, or completion." Approximately $245 million worth of contracts have already been let. New York Times, May 12, 1957.

[41] J. H. Carmical, "Oil From the Middle East: How the Concessions Operate," New York Times, February 17, 1957.

[42] Benjamin Shwadran, "Oil in the Middle East Crisis," Middle Eastern Affairs, April 1957.

[43] J. H. Carmical in the New York Times, November 18, 1956.

[44] Kurt R. Grossmann, Germany's Moral Debt: The German-Israel Agreement (Public Affairs Press, 1954), pp. 27–29.

dollar value of German exports to these same six Arab countries increased to $123,862,000.[45]

Certain reactions to the Arab boycott of Israel give additional strength to the conclusion that the Arabs will modify their intransigence or abandon it altogether when they encounter strong resistance or are faced by adverse effects upon their economies. Thus, cruise ships carrying tourists are allowed to stop at Arab ports even though they may have called previously at Tel Aviv or Haifa. Although American Export Lines maintains a shipping service to Israel and an office in Israel, it is still doing business with the Arab countries. Despite the fact that Imperial Chemical Industries owns 20 percent of Israel's fertilizer and chemical industry, this firm's name "is conspicuously absent from the [Arab] blacklist." [46] It is also interesting to note that German firms which ship goods to Israel under the German-Israel reparations agreement are not considered by the Arabs to be trading with Israel and these companies are not blacklisted in the Arab countries.[47]

These examples of successful defiance of Arab threats can be multiplied. The important point is not the multiplicity of examples but the fact that Arab intrasigence can be successfully resisted when there is a will to do so.

CONCLUSION

As Mr. Finletter, Secretary of the Air Force in 1951 when the lease of the airfield at Dhahran was renewed, points out in his foreword, the significance of the Dhahran airfield has been greatly exaggerated. It is not the only base available to us in the Middle East. America has airbases in Morocco, at Wheelus Field in Libya, and at Adana in Turkey (which is no farther from the Soviet Union than Dhahran). There is also no doubt that the existence of the airfield is of equal if not greater significance to Saudi Arabia, a fact often overlooked. But the overriding question is the principle involved: the principle that there shall be no invidious distinctions made or tolerated among Americans based on their religion or race. Is it proper that the price for American airfields abroad must be the curtailment of the constitutional rights of a group of Americans? Senator HENRY M. JACKSON has well stated the issue in his letter to Secretary Dulles of June 28, 1956:

"As a member of the Armed Services Committee, I am fully aware of the importance of the Dhahran Air Base. However, the question of principle involved in this case is so basic that it must take precedence over any military advantage to be gained through acceptance of the Saudi Arabian position."

It is unthinkable that the present discrimination, violating as it does the most fundamental principles of the American heritage, shall be permitted to continue. An eminent American student of the Middle East has asked "whether the American ideals of democracy * * * have not too often been subordinated to expediency, thus robbing American policy of the moral advantage that it once possessed and that it might well try to regain in the present revolutionary era in the non-Western World." [48] Certainly, the righting of the existing discriminatory policies in Saudi Arabia would put us a long step forward on the road toward regaining our national morality.

[45] Figures supplied by the German Consulate-General in New York, June 5, 1957.

[46] "Firms Producing Goods Needed by Arabs Dodge Economic Boycott on Israel," Business International, May 31, 1957, p. 7.

[47] "Arabs Make Climate Uncomfortable for Firms with Interests in Israel," ibid., May 17, 1957, p. 3.

[48] George Lenczowski, quoted in the American Political Science Review, March 1957.

Mr. HUMPHREY. Mr. President, I do not want the fact that Senate Resolution 323 was adopted in the 84th Congress to signify any lessening of interest on this matter by the 85th Congress. One would hope and assume that adoption of a resolution unanimously by the United States Senate would produce more interest and activity on the part of the State Department than this particular resolution did. Consequently, as one method of reemphasizing the importance which the Senate attaches to this issue, and being aware of a similar interest on the part of Members of the House of Representatives, I am today reintroducing Senate Resolution 323 as a joint resolution. I ask unanimous consent that the text of this joint resolution be printed at this point in my remarks.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

Resolved, etc.,

Whereas the protection of the integrity of United States citizenship and of the proper rights of United States citizens in their pursuit of lawful trade, travel, and other activities abroad is a principle of United States sovereignty; and

Whereas it is a primary principle of our Nation that there shall be no distinction among United States citizens based on their individual religious affiliations and since any attempt by foreign nations to create such distinctions among our citizens in the granting of personal or commercial access or any other rights otherwise available to United States citizens generally is inconsistent with our principles: Now, therefore, be it

Resolved, That it is the sense of the Congress that it regards any such distinctions directed against United States citizens as incompatible with the relations that should exist among friendly nations, and that in all negotiations between the United States and any foreign state every reasonable effort should be made to maintain this principle.

Mr. HUMPHREY. I intend to be unrelenting on this question, Mr. President; and I have further ideas as to what may be done to demonstrate senatorial interest in this issue—ideas which I shall develop publicly in a short time. In the meantime, as chairman of the Subcommittee on the Middle East and North Africa, of the Senate Committee on Foreign Relations, it is my intention to make an intensive inquiry into this broad subject matter.

The PRESIDENT pro tempore. The joint resolution will be received and appropriately referred.

The joint resolution (S. J. Res. 118) opposing distinction by foreign nations against United States citizens because of individual religious affiliations, introduced by Mr. HUMPHREY, was received, read twice by its title, and referred to the Committee on Foreign Relations.

CIVIL RIGHTS—AMENDMENT

Mr. JOHNSTON of South Carolina submitted an amendment, intended to be proposed by him, to the bill (H. R. 6127) to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States, which was ordered to lie on the table and to be printed.

TECHNICAL CHANGES IN FEDERAL EXCISE TAX LAWS—AMENDMENT

Mr. BIBLE submitted an amendment, intended to be proposed by him, to the bill (H. R. 7125) to make technical changes in the Federal excise tax laws, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

MRS. THEODORE (NICOLE XANTHO) ROUSSEAU

The PRESIDENT pro tempore laid before the Senate a message from the House of Representatives announcing its action on the amendment of the Senate to House bill 1359, which was read as follows:

IN THE HOUSE OF REPRESENTATIVES, U. S.,
June 18, 1957.

Resolved, That the House agree to the amendment of the Senate to the bill (H. R. 1359) entitled "An act for the relief of Mrs. Theodore (Nicole Xantho) Rousseau," with an amendment, as follows:

Delete the period at the end of the Senate amendment, substitute a comma therefore and add the following: "and to have had no nationality other than Rumanian prior to her naturalization as a United States citizen."

Mr. JOHNSON of Texas. Mr. President, on June 12, 1957, the Senate passed H. R. 1359 with an amendment suggested by the Department of State. Subsequent to passage, a letter was received from the Immigration and Naturalization Service indicating that some clarification of the language of the bill would be desirable. Pursuant to this suggestion, on June 18, 1957, the House of Representatives concurred in the Senate amendment with a further amendment. The additional language added by the concurring amendment does not change the original purpose of the bill.

I move that the Senate concur in the House amendment to the Senate amendment to H. R. 1359.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Texas.

The motion was agreed to.

SAM P. GRIFFIN, HEAD DOORKEEPER OF THE SENATE

Mr. JOHNSON of Texas. Mr. President, it is with deep sorrow that we learn of the death of Sam P. Griffin, head Doorkeeper of the Senate.

Mr. Griffin has served as an employee of the Capitol for 41 years. He is a veteran of the Senate—one of the faithful employees who do so much to help us over the difficult times.

Our hearts are with the surviving members of his family. To them we send our deepest condolences and our gratitude for the services that Sam P. Griffin performed.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. MARTIN of Pennsylvania:

Address delivered by him at Independence Day celebration sponsored by Pennsylvania Chapter, Colonial Daughters of the 17th Century, at Valley Forge, July 4, 1957.

By Mr. WILEY:

Article entitled "Tractors To Tour Antarctica's Ice," written by Walter Sullivan and published in the New York Times of July 7, 1957.

DEATH OF FORMER REPRESENTATIVE EARL C. MICHENER

Mr. CASE of South Dakota. Mr. President, I rise to pay my personal tribute to the memory of a very distinguished legislator, who died in the State of Michigan last Friday, the Honorable Earl C. Michener. Mr. Michener served in the House of Representatives for 30 years. During 14 of those years it was my privilege to regard him as a personal friend and as a mentor.

Mr. Michener was truly a great legislator. He was a student of the rules of the House of Representatives. He was a member of the Judiciary Committee. He was regarded as an outstanding authority on constitutional law. But I suppose in instances like this we remember such friends for what they stood for as a matter of principle. Earl Michener was truly a great patriot. He retired from Congress finally, at the end of 30 years because, he said, of his wife's health. It is one of those little tragedies of life that his wife should have passed away a little more than a week ago. The fact that Representative Michener's death came so shortly afterward suggests that probably his sense of personal loss had something to do with it.

Those of us who had the privilege of serving with him will remember him as a great friend of new Members, freshmen Members of the House of Representatives. He always took them under his wing and helped them to learn how to operate in the House of Representatives.

Mr. President, I ask unanimous consent that the account of the life of Representative Michener which appeared in the Washington Post and Times Herald of Saturday, July 6, 1957, be printed in the RECORD following my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post and Times Herald of July 6, 1957]

EX-LEGISLATOR MICHENER DEAD

Former Representative Earl C. Michener, Republican, of Michigan, 80, who was called watchdog of the Treasury during his 30 years as Representative of Michigan's Second District, died yesterday in his Lenawee Hotel room in Adrian, Mich.

Mr. Michener was a Congressman from 1919 to 1923 and from 1935 until his retirement in 1951. He retired because of the illness of his wife, the former Bell Strandler, whom he married in 1902. She died last week.

He was chairman of the House Rules Committee from 1925 to 1933 and 1935 until his retirement and served on the House Judiciary Committee, where he was noted for his sharp checks on Government spending.

Mr. Michener's single defeat was in the Roosevelt landslide of 1932 when he lost to Democrat John C. Lehr, but was reelected the following term. Mr. Michener was succeded by Representative GEORGE MEADER, Republican, who still holds the seat.

Born in Attica, Ohio, he was the son of Valentine A. and Sarah Adelia Cory Michener. He attended the University of Michigan and received his law degree from Columbian College.

He practiced law in Adrian in 1903 and was assistant prosecuting attorney, then prosecuting attorney from 1911 to 1914 in Lenawee County, Mich.

In 1925 he was recommended for a Federal judgeship but withdrew his name, saying he preferred to serve in Congress.

A veteran of the Spanish-American War, during which he served with the 31st Michigan Volunteer Infantry, he belonged to Phi Sigma Kappa fraternity, Sons of the American Revolution, Masons, Elks, and the Rotary Adrian, and Lenawee Country Clubs.

Mr. KEFAUVER. Mr. President, I wish to join my colleagues from Michigan, the Senator from South Dakota [Mr. CASE], and other Senators in paying high tribute to former Representative Earl C. Michener, of Michigan, who passed away a few days ago. I had the privilege of serving in the House of Representatives with Mr. Michener for almost 10 years. He was always a hard, thorough worker, who gave a great deal of attention to all bills, regardless of their importance. He was always fair and open-minded in connection with legislative proposals, and was helpful to new Members of Congress, regardless of their political affiliation. I considered Mr. Michener one of the ablest Members of the House of Representatives, a real statesman in the finest sense of the word.

Mr. POTTER. Mr. President, I wish to join my colleagues in paying tribute to former Representative Earl C. Michener, who died last Friday, July 5. All the people of Michigan, I know, were saddened to learn of his untimely death.

Mr. Michener was one of Michigan's most distinguished citizens. He served in the House of Representatives for 30 years. He was chairman of the House Committee on the Judiciary for a period of time, and the ranking Republican on that committee for some time. He was well known for his judicious mind.

When I first became a Member of the House of Representatives Mr. Michener was one of the deans of the House. At that time he acted much like a father to me. I know the guidance he gave me as a then new Member of Congress was greatly appreciated and most helpful.

Mr. CURTIS. Mr. President, I, too, should like to express a word of sorrow at the passing of Earl Michener. He was one of America's great men. He was a diligent legislator, a thorough student, extremely conscientious and exceedingly patriotic.

Like the distinguished Senator from Michigan [Mr. POTTER], I also served with Earl Michener in the House of Representatives. Mr. Michener acted as a father, so to speak, to many young Members who served in the House of Representatives. He provided not only time and advice, but he set an example which impressed a great many. I regret his passing, and I am sure that our country, his State and community have suffered a great loss.

Mr. JAVITS. Mr. President, I, too, served in the other body with Earl Michener, a fine gentleman, a loving soul, a delighted spirit, and a great legislator. I join with my colleagues, and particularly with his colleague from Michigan, in offering condolences to his family, and in expressing my deepest sympathy and my deep sense of personal loss at his passing.

Mr. POTTER. I thank the Senator from New York.

Mr. CASE of New Jersey. Mr. President, I was a member of the House Committee on the Judiciary when Earl Michener was chairmam of that committee in the House.

I cannot express too strongly my deep appreciation of the service Mr. Michener rendered to me as a young Member of the House, while he was chairman of the committee, and also his personal efforts in acting as a guide, a wise and kind helper, to all the younger Members of the House, including myself.

The world was better because Earl Michener was in it. The Congress was better. We shall all miss him.

I join with my colleague from Michigan in expressing the deepest sympathy to the members of his family.

Mr. POTTER. I thank the Senator from New Jersey.

Mr. MUNDT. I should like to associate myself with the remarks of solicitude and tribute paid in connection with the passing of Earl Michener.

I recall that Earl was one of the first Representatives with whom I conferred and consulted when I first became a Member of the House of Representatives in the 76th Congress. He was kind, gracious, thoughtful, and unselfish; and he was an exceedingly wise legislator. As I recall, it was Earl Michener who was the author of the two-term presidential limitation amendment, which was overwhelmingly ratified by the people of the United States, and which, I feel, is very likely to remain on the constitutional books, despite some recent tendenices to criticize that amendment.

Mr. POTTER. I thank the Senator from South Dakota.

TRANSATLANTIC AIRLINE FARES

Mr. SCHOEPPEL. Mr. President, I ask unanimous consent that I may proceed for approximately 3½ to 4 minutes.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the Senator from Kansas may proceed.

Mr. SCHOEPPEL. Mr. President, during these summer months more Americans than ever before are crossing the Atlantic for European vacations. Such rewarding activity formerly was a pleasure for those in the upper income brackets. In recent years international travel has come within the reach of almost every average American.

Transatlantic plane fares are subject to the approval of the Civil Aeronautics Board, but the Board's authority is limited to approval or disapproval only. It cannot specifically set international airline fares.

This spring all the international airlines which fly the Atlantic proposed a 5 percent emergency increase in transoceanic fares. They said the additional revenue was essential to meet rising costs. This proposal was submitted by the International Air Transport Association to each government concerned for its approval.

Today the American Government, specifically the Civil Aeronautics Board, finds itself alone in exercising a veto of this proposal. Its philosophy over the years, which has been consistently endorsed by the Congress, is to use every means available to keep fares low enough so that a maximum number of persons may take advantage of this form of travel without, of course, jeopardizing the financial soundness of the transatlantic carriers.

It has now come to my attention that pressures are being brought against the Civil Aeronautics Board to soften its policy to hold the line on these fares. The American Aviation Daily has reported that European governments are "fuming." Certain communications have been forwarded from American diplomatic posts in Europe to the Department of State reporting foreign government displeasure over the Civil Aeronautics Board's action.

Our Government, unlike others, does not own and operate airlines. Its role in regulation of air transportation is to consider always the American public's interest. The Civil Aeronautics Board has tried to see that the American tourist's pocket is not picked, and at the same time has done nothing, in my opinion, to jeopardize the air transportation industry's financial position. On May 28, when the Board turned down the so-called "emergency" fare increase proposition, it made clear that no data whatsoever had been furnished by the airlines to show any real need. The Board is not blind to the fact that costs have risen in air transportation as in many other activities. But, the Board said, the information which it has, showing the tremendous increase in the number of transatlantic passengers, proves that the unit cost of carrying each of them has in fact gone down.

North Atlantic fares already exceed domestic fares about 70 percent. Last fall the Civil Aeronautics Board tried to talk the transatlantic carriers into increasing their seating densities, which up till now do not come near utilizing their aircraft to the best advantage as our domestic airlines do. This appeal by the Civil Aeronautics Board to the international carriers to help themselves rather than to levy additional charges on travelers has been largely ignored.

I think it is timely for us to remind ourselves, as well as the foreign governments, that the Civil Aeronautics Board continues to do an outstanding job in insisting upon and promoting low-cost international travel for the benefit of all concerned.

AMENDMENT OF MISSING PERSONS ACT

Mr. MANSFIELD. Mr. President, I should like to have the attention of the distinguished chairman of the Armed Services Committee and ask him a question. I note that Senate bill 2249, which was reported by the chairman of the Armed Services Committee, is listed for consideration at an appropriate time. I should like to ask the distinguished Senator if S. 1239, a bill to amend section 2 of the Missing Persons Act so as to provide that benefits thereunder shall be available to certain members of the Philippine Scouts, will be considered shortly.

As the Senator knows, I have appeared before his committee in support of this measure, and I seek further information.

Mr. RUSSELL. Mr. President, the bill to which the Senator refers, S. 1239, is embraced likewise in a House bill which has passed the House of Representatives. It provides for the extension of the Missing Persons Act, and as well deals with the question whether Philippine Scouts should be entitled to the benefits of that act. We had undertaken to have committee consideration of that bill to include the provisions which relate to the Philippine Scouts. Unfortunately, we were unable to secure a quorum of the committee in time to take intelligent action on all the ramifications of the bill—which, I may say incidentally, is opposed by the Department of the Army—before the 1st of July. The Missing Persons Act expired then. The bill S. 2449 provides for extending the act only until April 1, 1958.

Concurrently with reporting the bill, I referred to a subcommittee, for hearings and consideration, the bill S. 1239, to which the Senator from Montana has referred, and likewise the House bill, which also contains provisions pertaining to Philippine Scouts. I am sure the subcommittee will proceed to conclude hearings and take action on that bill as expeditiously as possible.

Mr. MANSFIELD. I thank the Senator.

SUPREME COURT DECISION IN THE JENCKS CASE

Mr. MORSE. Mr. President, I was very pleased to read in this morning's Washington Post and Times Herald an editorial entitled "Why the Haste?" I consider it to be a very scholarly discussion of the so-called Jencks case, involving the Supreme Court decision on that case.

The editorial sets forth in some detail a good many of the same points by way of criticism of the bill under consideration by the Congress which I made in a speech in the Senate last Thursday.

I am glad to find one editorial writer in the Washington Post and Times Herald who agrees with me about something. I wish to recommend this editorial to the reading of Senators. The last paragraph states:

> These defects in the bill demand scrutiny. Nothing will be lost by taking a little time for study. The Senate is supposed to be a deliberative body, and this is a problem which calls for the most careful consideration.

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD at this point as a part of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WHY THE HASTE?

Congress has been in such a hurry to advance a bill aimed at modifying the impact of the Supreme Court's decision in the Jencks case that it has not even found time to grant a hearing to opponents of the bill. Yet there is serious opposition from men of high repute and great legal learning who see no need for such legislation. Dean Erwin N. Griswold of the Harvard Law School, for example, says: "There is absolutely nothing in the (Jencks) opinion giving the public access to secret files of the FBI. It simply blueprints procedures used right here in Boston and every criminal court."

Other authorities believe that legislation is necessary, and their contention is buttressed by the varying interpretations of the Jencks decisions by judges of the lower courts. The subject is highly controversial, and that is the strongest argument for hearing both sides before legislation is brought to a vote.

The Court said in the Jencks case that when the Government chooses to put a witness on the stand in prosecuting an American citizen, it must make available to the defense earlier secret statements or reports made by that witness touching on his testimony at the trial. The purpose of this requirement is to give the defense a fair chance to look for contradictions which could be used to impeach the credibility of the Government witness. As Dean Griswold points out, this has long been standard procedure in American courts. It evokes a hullabaloo now only because the Supreme Court has applied it—in limited terms—to the FBI's secret files. No indiscriminate fishing expedition was authorized. But as the Court observed, "It is unconscionable to allow it (the Government) to undertake prosecution and then invoke its governmental privileges to deprive the accused of anything which might be material to the defense."

Sponsors of the bill accept this principle, but point out that its application is not automatic. They believe that confusion and unnecessary interference with law enforcement can be avoided only by authorizing the trial judge to determine what portion of the FBI reports requested by the defense relate to the testimony given. The bill would allow the judge to excise from such reports the portions not relating to the subject before they could be released to the defense counsel.

Going beyond this, however, the bill provides that "no statement or report of any prospective witness or person other than a defendant which is in the possession of the United States shall be the subject of subpena, discovery, or inspection," except as subsequently provided in the bill. The terms of this would apply to all sorts of tax and antitrust cases where pretrial disclosure of relevant material in the Government's possession has always been a matter of course. Why should the bill apply not only to a "prospective witness" but in addition to any "person other than a defendant?" This appears to be either a concealed attempt to make a drastic and mischievous change in the established rules of criminal procedure or an extremely sloppy piece of draftsmanship.

The bill would modify the Supreme Court ruling by making available to the defense only "such reports or statements of the witness in the possession of the United States as are signed by the witness, or otherwise adopted or approved by him as correct." This limitation would enable the Government to avoid its obligation to produce reports by the easy device of having informants

leave them unsigned and unapproved. Whatever reports the Government may have from a witness touching on his trial testimony ought to be given to the defense as a matter of elementary fairness.

The bill provides that previous reports by witnesses shall be made available to the defense only "after a witness called by the United States has testified on direct examination." The prosecution knows in advance of trial what its witnesses are going to testify on direct examination and, for the sake of orderly procedure, ought to produce relevant reports prior to the trial. Lacking these, the defense cannot prepare its case effectively.

The bill provides that if the Government declines to comply with a court order to produce reports, "the court shall strike from the record the testimony of the witness and the trial shall proceed unless the court in its discretion shall determine that the interests of justice require that a mistrial be declared." This has raised some serious questions. It is impossible to strike from the minds of jurors testimony they have heard. If the Government does not wish to produce relevant reports, it should not use witnesses who made those reports.

These defects in the bill demand scrutiny. Nothing will be lost by taking a little time for study. The Senate is supposed to be a deliberative body, and this is a problem which calls for the most careful deliberation.

HOME RULE FOR THE DISTRICT OF COLUMBIA

Mr. MORSE. Mr. President, I also wish to invite the attention of the Senate to another editorial published in the Washington Post and Times Herald of this morning entitled "Division on Home Rule." I ask that it be printed in the RECORD at this point in my remarks, to be followed, Mr. President, by a prepared statement in the form of testimony which I gave this morning before the Senate Committee on the District of Columbia, in opposition to the administration's so-called home rule bill. My testimony is my answer to the Washington Post editorial.

There being no objection, the editorial and statement were ordered to be printed in the RECORD, as follows:

DIVISION ON HOME RULE

It is extremely unfortunate that the question of home rule for the District has seemingly become embroiled in national party politics. Until this year, the bills to restore suffrage to Washington, if they have not enjoyed any other sign of congressional interest, have at least commanded sufficient indifference to permit of bipartisan sponsorship. Now two of the ablest and stanchest supporters of the cause, Senators NEELY and MORSE, have declared they will actively oppose the Eisenhower administration's version of the home-rule bill and support their own.

Considering that only the earliest and most intense efforts will suffice to give any home rule bill a chance of passage in the House—where the District Committee keeps all such measures securely bottled up—this division of home rule forces in the Senate virtually foredooms the movement to another defeat. The difference between the Democratic bill and the one favored by the President, might be important in other circumstances. The President favors an appointed District governor and an elected assembly; the other version calls for an elected mayor and an elected council. Either system would constitute so enormous a gain for the civil rights of disfranchised Washingtonians that it seems a real pity to risk everything in a debate over these alternatives.

STATEMENT OF SENATOR MORSE, ON JULY 8, 1957, BEFORE THE SUBCOMMITTEE ON JUDICIARY OF THE COMMITTEE ON THE DISTRICT OF COLUMBIA ON S. 1289 AND S. 1846, BILLS PERTAINING TO THE ESTABLISHMENT OF HOME RULE FOR THE DISTRICT OF COLUMBIA

Mr. Chairman and members of the subcommittee, it is with mingled feelings that I appear before you to speak on behalf of S. 1289, the home rule bill introduced by Senator MATTHEW M. NEELY of West Virginia, which I have had the honor of cosponsoring, and in opposition to the administration bill, S. 1846.

I recall the fate of S. 669 and that of S. 999, home rule bills of previous sessions of the Congress with a certain sadness that is tempered however, with pride rightfully taken in the great fight for principle that was then made. I anticipate with hopefulness the eventual recognition that will be the portion of those District citizens who have for so long struggled to obtain for themselves, their children, and their neighbors the full measure of true home rule.

Before I enter into the detailed presentation of my position on the two bills now pending before the subcommittee, I ask indulgence of its chairman in permitting me to make a few brief introductory comments. I should like to compliment the chairman for the splendid work that he has been doing in preparing for this hearing today. He and his staff have been for some time most diligent in analyzing the bills being considered, obtaining the advice of very well qualified experts in the field of municipal charter legislation upon the many highly technical aspects of city financing with which the bills are concerned, and in bringing to bear upon the problem his own excellent background of experience as the elected leader of a great metropolis. I venture to predict, that despite whatever fate may lie in store for the particular bills before the subcommittee today, the result of these hearings will make a record in scope of treatment that will be of inestimable value to students of municipal organization for many years to come. In this connection, I wish to make it perfectly clear, that with respect to many of the minor administrative provisions of S. 1289, I will welcome the perfecting amendments that I feel sure the subcommittee on the basis of the evidence, will wish to make.

Mr. Chairman, the heart and essence of the difference between the two bills under consideration, is whether we in the Congress are willing to grant home rule, by which I mean the right of the citizens of the District of Columbia to determine their political destinies through the procedure of freely electing their representatives, or whether, as proposed by the administration bill, we are willing only to grant the false front of elected representation which hides the underlying harsh reality of appointive authority.

The administration bill provides for an organizational structure subservient to the power, not of a freely chosen representative of the people of the District, but rather of a politically appointed representative of the executive branch. It is because of this political hypocrisy that the administration bill can well be characterized as a phony home-rule bill. I know that many well-intentioned citizens have taken, and will continue to take before the subcommittee in these hearings, the position that all the Congress and the President will permit the District to have is the mess of pottage that the so-called territorial form of governmental organization represents, and that therefore, limited though it is, the administration bill is better than nothing at all.

This belief and counsel of despair, Mr. Chairman, is appealing in many ways, but it is a concession to expediency that will, in the future, rise to plague its proponents. It were better, Mr. Chairman, and I say this in all sincerity, and with all the conviction that I can, to forego for now, the illusion of home rule, in order that at a later date the substance of home rule may be truly attained.

To document the statements that I have just made, I ask the subcommittee to consider with me now certain of the provisions of the administration bill and to contrast them with the provisions of the bill, S. 1289, that proudly bears as sponsor the name of that great liberal and fighting humanitarian who is chairman of the Senate Committee on the District of Columbia, Senator MATTHEW M. NEELY, of West Virginia.

The preamble to each of the bills set forth succinctly the major difference that I wish to stress this morning. S. 1289 provides for an elected mayor, an elected city council, an elected school board, and an elected nonvoting delegate to the House of Representatives. S. 1846 provides for an appointed governor, and an appointed lieutenant governor, permitting only the election of the legislative assembly and the nonvoting delegate to the House.

I call to your attention the fact that S. 1289 provides for an elected chief magistrate and that the administration bill does not do so. If the principle of home rule is a valid one, and it has worked throughout all of our history, and throughout the history of England before us for towns and cities, then the fiction that the city of Washington, D. C., is a territory and thus that the territorial form of organization ought properly to be used, stands revealed in its nakedness as a device to circumvent the most precious civic right enjoyed by urban citizens, the right to exercise the ultimate check of a democracy—the right to throw the rascals out. Let us be perfectly clear about the matter. The plain truth is that S. 1289 permits the citizens of the city of Washington, D. C., to choose and to retire the chief magistrate, while the administration bill does not give them that elemental civic right. To the extent that a citizen is deprived by the administration bill of that basic right, to that extent I hold that the administration bill violates the concept of home rule, and to that extent the bill is fraudulent in its attempt to masquerade as a home-rule bill.

One other point in this connection, Mr. Chairman, I commend to the attention of the subcommittee. S. 1289 provides for an elected school board, while S. 1846 leaves this most important segment of our community life to such disposition as the legislative assembly may determine. The autonomy of the school system, as it is presently established in the city, is by the administration bill abolished. Its role in the future could easily be that of a subordinate political entity, one on a par with that of the Department of Sanitary Engineering. Mr. Chairman, this point, in my judgment, is a crucial one. Do we wish to follow the philosophy of downgrading our educational system by placing it in departmental competition for funds with all other municipal functions? Is it not preferable that the school system be retained as an autonomous agency in a planetary system of governmental organization, responsible to the voter? The point gains added urgency, when it is remembered that we have today pending before the Subcommittee on Public Health, Education, Welfare, and Safety, measures which would permit a capital expenditure for school construction of $70 million derived from borrowing. This measure bears the strong endorsement of the Board of Education. The Board, although not elected, is autonomous. The proposal of the politically appointed Board of Commissioners, I am informed will be that substantially recommended by their appointed Public Works Program Review Committee an amount only

of $54,384,700. Thus, under S. 1846, if the past is an indication of the future, there is the grave risk that the school authorities could be muzzled administratively and prevented from presenting their needs to the community. This is but one example of the consequences that might flow from the enactment of S. 1846, the administration bill, but it is an example that should give us pause.

The assertion is made by the proponents of the administration bill that the problems of Washington are so complex that a territorial form of government is better suited to the situation than is a municipal form. The logic of this position escapes me completely. I would ask the proponents of S. 1846, in what respects does the city of Washington differ from its metropolitan neighbors of New York City, Philadelphia, Boston, Chicago, Baltimore, or, indeed, San Francisco? Urban problems are urban problems no matter where they are encountered in this country. Since I assume that the proponents of the territorial form do not go the whole road in their argument and suggest the wholly unconstitutional proposal that the city of Washington is to be prepared for statehood, and by that token ought to undergo territorial tutelage, I suggest that the territorial device is but a facade of fraud. To argue that Washington ought to be a Territory to negotiate as an equal with the surrounding States on matters of common concern, is to ignore the splendid record made in the analogous situation of New York City and the State of New Jersey in the creation of a port authority to serve that area. Since the city of Washington, D. C., no matter what form, territorial or municipal, is adopted, will still remain the Capital of our country, and by constitutional provision, the Congress will retain full rights as sovereign, the negotiation rationalization falls of its own weight. Certainly the Congress of the United States is sufficiently powerful to negotiate with the sovereign States of Maryland and Virginia as, at the very least, an equal.

At this point, Mr. Chairman, I should like to dispose of one other point that may be made by the proponents. This is the fallacious argument that the territorial form of organization would better preserve the unique interest that the Federal Government has in the Capital City. Unless my memory fails, it occurs to me that the Constitution of the United States in section 8, clause 17, makes provision for the Congress to have exclusive legislation in all cases whatsoever, over such District. Certainly the wording of this provision is broad enough to permit the Congress adequately to protect the Federal interest. It is possible that the proponents of S. 1846 are worried not about the Federal interest but about a far different thing, the executive interest. I would have them in that case remember that the Founding Fathers did not see fit to include explicitly any provision for the interest of the President over the District, and for this reason among others I question a territorial form under the model suggested by the administration bill.

There is a difference between the two bills with regard to the size of the legislative arm. S. 1289 provides for a council of 9 members; S. 1846 provides an assembly of 15 members. To perform the legislative functions of a city council it can be argued that the smaller number contemplated by S. 1289 might be able to perform their duties more expeditiously, it is certainly true that from the standpoint of economy the smaller number is to be preferred. S. 1846 provides for the office of lieutenant governor, to my way of thinking a decorative fifth wheel, albeit a costly one, whose rationale must stand upon the validity of the territorial argument. To be frank about the matter, it would provide the administration with a sinecure for patronage purposes, and it does provide a gilded ornament to adorn the false front of the territorial structure. It may be noted in passing that S. 1289 provides that the elected council fill a vacancy in the mayoral office until a general election can be held.

I cannot resist making at this juncture an admittedly minor point, but one which, nevertheless, helps to expose the inconsistency of the territorial fiction of the administration bill. Why, if the territorial form is appropriate to the District, do the proponents of S. 1846 balk at including under the appointive governor the Armory Board and the National Guard of the District of Columbia? Surely these agencies are appropriate to a territorial form. So too, for that matter is the Public Utilities Commission. That they are specifically excluded by the language of section 324 (a), pages 12 and 13, casts some doubt upon the territorial argument. In passing, Mr. Chairman, I should like to contrast the tenderness with which these excluded agencies are treated, by reminding the subcommittee that the school board is given no such special consideration in the administration bill. Actually the question of whether or not such agencies as the National Capitol Housing Agency and the Redevelopment Land Agency ought to be brought under the control of the municipal authorities as a matter of sound organizational structure, is one that has many ramifications. I feel confident that the subcommittee in its deliberations will carefully weigh the matter and decide the question on the basis of the technical arguments that ought to be controlling.

I do view with some concern, Mr. Chairman, the glaring omission in the administration bill of the specific provisions of S. 1289 on page 12, lines 1 and 2, prohibiting lotteries and gambling. In my view, this is a fit subject to include in a charter. I hold that gambling is against the public interest and that, especially here in the capital city of the Nation we ought to make sure that this vice is given no color of sanction by omitting it from the charter statute.

The provisions for a presidential veto contained in the administration bill, are but another example of the desire to protect the executive interest, and an additional illustration of the distrust of the home rule principle. One might almost say, Mr. Chairman, that it illustrates a basic distrust of the democratic process itself. If this provision originated at the White House, as some have intimated in the press, all I can say, with Shakespeare is that indeed they "seek to make assurance doubly sure and take a bond of fate." (Sec. 324 (d), p. 15, lines 16 through 24 and p. 16, lines 1 through 6.)

I turn now to section 401 (b), subpart (2) (b) and (4) which may be found on page 22 of S. 1846. The language reads (lines 17 through 25):

"(b) No person shall hold the office of Governor or of Lieutenant Governor, unless he * * * (2) is domiciled and resides in the District and * * * and (b) has not voted in any election (other than in the District) for any candidate for public office, * * *"; and "(4) holds no other appointive office for which compensation is provided out of District or Federal funds."

It seems to me to be rather odd that an individual who has exercised his right as an American citizen to cast an absentee ballot in the State of his origin, should be thus penalized. Equally strange to me is the philosophy which would deprive from chance of appointment to office the entire class of Federal employees. This would have the effect of barring from consideration such well qualified and devoted public servants as General Lane, whose transfer to Ft. Leonard Wood was recently announced, as well as those of his able predecessors who over the years have served as Engineer Commissioner. Certainly, in the Federal service we have a magnificent source of highly qualified executives who could, and who I feel would, shed lustre on the mayoral office. Why should we deny by statute our access to this reservoir of talent? Under S. 1289 no such bar exists. If such a devoted career employee were to be nominated and elected, he would simply take leave of absence from his position during the time of his campaign and incumbency, and return to it upon completion of his civic service. It is my hope that the subcommittee will consider this point with great care during the markup session.

Mr. Chairman, S. 1846 grants in section 402 subparts (10) and (14) on pages 27 and 28, powers to the Governor that merit careful scrutiny, the sections read:

"(10) He (i e., the Governor) may delegate any of his functions (other than the function of approving contracts between the District and the Federal Government under section 901) to any officer, employee, or agency of the executive office of the Governor, or to any director of an executive department who may, with the approval of the Governor, make a further delegation of all or a part of such functions to subordinates under his jurisdiction."

"(14) He is authorized and directed to promulgate, adopt, and enforce such rules and regulations not inconsistent with any act of the Congress or any act of the assembly as are necessary to carry out his functions and duties."

These two sections of S. 1846, Mr. Chairman, constitute a very broad grant of authority that could be exercised, through delegation and redelegation, by minor officials of the District government. If the assembly or the Congress has not acted in a certain field, the Governor has free reign. Should an abuse of this authority occur, the assembly could, through injudicious use of the double veto power contained in the bill in other places, find itself powerless, and the matter then would have to come before the Congress. This seems to me, Mr. Chairman, to be in contravention of our doctrine of the separation of powers. I call attention, by contrast, to the moderate provisions of S. 1289. There section 402 (8) permits delegation of mayoral power under two safeguards. First, it may be done only with the consent of the council, and second, delegations may be made only to the department head level. S. 1289 does not contain the rule making powers of S. 1846, because it was felt that legislation belongs properly to the legislative arm, and should be delegated to the executive arm only under proper safeguards and with review and recapture language written into the delegation. By granting these powers in the charter statute, Mr. Chairman, we are tying the hands of the assembly with respect to these important legislative checks. To say that the assembly or the Congress could enter into the picture by positive legislation while true, might as I have previously shown be difficult, and in any event it misses the essential point that cooperation between the legislative and executive branches may be better insured, and greater heed be given to the wishes of the legislature, if the structure of the relationship sets forth clearly the primacy of the legislative arm in these matters.

I move now, Mr. Chairman, to section 1601 of S. 1846 (p. 79), and the corresponding section of S. 1289, section 1701 (p. 76). I note that the administration bill, consistent with its philosophy of distrust of the home-rule principle, requires that 25 percent of the voters must request a referendum. S. 1289 requires only 10 percent of the registered voters for this purpose. I would not object to striking the word "registered" from S. 1289, since I can appreciate the administrative difficulties that might arise in attempting, after the fact, to determine whether or not a specific registered voter, for example, was still

living on election day. I do object, however, to the philosophy which would require such a large percentage of voters to protest as is contemplated by S. 1846. I commend to the subcommittee my suggestion that the 10-percent figure be retained and that the word "registered" be deleted. I have a strong interest in this matter because of the pride that I have, as an Oregonian, in the Oregon system of initiative and referendum. These devices, particularly the referendum, have served my State well over the years. They constitute, in my judgment, a most healthy check by the people on legislative action. It is for this reason that I view with question the language of S. 1846 in section 1603 on page 80, lines 22 through 24. I am reminded that in my own State the voters have on a number of occasions halted the action of the legislature when it sought to impose a sales tax. Whether the sales tax is right or wrong—and in my judgment it is a regressive tax and one that ought not be imposed on food especially, and in this I am sure that Senator JAVITS would concur—the inescapable fact is that the voters of my State just plain don't want to have a tax of this type imposed.

I am not moved, therefore, by arguments that revenue acts might be held up by this procedure. If they are, then alternative methods of obtaining the necessary money must be explored. To attempt to circumscribe to the point of invalidating a franchise right is, to my way of thinking, the same thing as denying that right but being unwilling to do it honestly. I ask the subcommittee to view this language carefully, and I earnestly counsel them not to replace the mandatory shall of S. 1289 with the permissive may of S. 1846.

This concludes, Mr. Chairman, my review of the specific provisions of the two bills. In summation, I ask only that you and your colleagues think carefully on the principles that underlie these bills. Let me refocus attention on the salient differences. S. 1846 under the pseudo-structure of a territorial facade provides for an appointive head, a politically appointed governor with very broad powers, a double veto that is an extension of presidential power, a restriction on referendum procedures that is almost a nullification of the right, and no protection for the autonomy of the school system while it carefully exempts from popular control the Public Utilities Commission and the District National Guard. S. 1289, on the contrary, provides for a freely elected mayor, an elected council and an elected school board.

I hold that S. 1289 is in the grand tradition of American local self-government, and I urge its favorable consideration by the subcommittee. Thank you very much for permitting me to testify today before you.

Mr. MORSE. Mr. President, as I said at the hearing this morning, there is no home rule connected with the administration bill, because it is a travesty on the very definition of home rule. There cannot be home rule, Mr. President, unless the citizens of the District of Columbia have the right to use the ballot box in electing a mayor of the District of Columbia, and exercise the voting privilege at the ballot box, as I testified this morning in checking the trend in this country toward executive government. The danger of executive government is very well epitomized and symbolized, I say respectfully, Mr. President, in the administration's so-called home rule bill. All the bill would do would be to strengthen the further exercise of executive power in America, and the American people had better be on guard against such a trend.

Mr. President——

The PRESIDENT pro tempore. The Senator from Oregon.

JOHN DAY DAM

Mr. MORSE. Mr. President, I ask unanimous consent that there be printed as a part of my remarks in the body of the RECORD a letter from Ken Billington, the executive secretary of the Washington Public Utility Districts' Association, Seattle, entitled "Little Brown Hen."

I wish to associate myself with the observations Mr. Billington makes in that letter.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

LITTLE BROWN HEN

To the EDITOR: While Thomas W. Delzell, chief executive officer of the Portland General Electric Co., tries to stampede the people of Oregon into a fight with the people of Washington over allocation of Federal power, he is one of the reasons behind a news story in your newspaper of May 30, which indicates that the House Subcommittee on Appropriations will not grant a new Federal start at John Day Dam this year.

On May 20, we of public power appeared before that Appropriations Subcommittee and went all out for a new Federal start at John Day. This has been the consistent position of the Washington PUD's. We had been led to believe that the Pacific Northwest Utilities Conference Committee, which is dominated by the private power companies, including Mr. Delzell's, had also agreed to support a new Federal start at John Day. Their written statement indicated this.

We were astounded to be hit in the face by the minority leadership on that committee who stated "representatives of the private utilities appeared before the committee last week and they said private utilities would build the John Day Dam if given the opportunity with their own money."

Later this was checked by a Washington Congressman and it was found the reference was to the verbal testimony of Mr. Delzell before the committee.

It's the same old problem. While Mr. Delzell argues for Federal power for Oregon people (which, in effect, actually means Federal power for his own company to sell to the Oregon people) he turns right around and sabotages Northwest efforts to get more low-cost Federal power.

It is remindful of the little brown hen story, whereby everybody wanted to eat the cake but nobody wanted to help grow the wheat or get it baked. If the people of the States of Oregon and Washington get pushed into an argument over allocation of Federal power, they will be the losers—not the private utility company which Mr. Delzell represents.

KEN BILLINGTON,
Executive Secretary, Washington Public Utility Districts' Association, Seattle.

UNITED STATES RELATIONS WITH BOLIVIA

Mr. MORSE. Mr. President, I ask unanimous consent that there be printed in the body of the RECORD an editorial from a Bolivian newspaper entitled "Mr. Holland Again."

I wish to say, as chairman of the subcommittee of the Senate Committee on Foreign Relations which deals with Latin American affairs, that I think the members of my subcommittee, as well as of the full committee, should pay a great deal of attention to Mr. Holland's activities in South America, many of which cause me to raise my eyebrows in suspicion.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MR. HOLLAND AGAIN

(Translation from El Diario, La Paz, Bolivia, May 20, 1957)

When the arrival of Mr. Henry Holland was made public a few weeks past to coincide with the fifth anniversary of the Revolution of April 9, 1952, the general assumption was that Mr. Holland merely intended to demonstrate a spontaneous gesture of affection for Bolivia. While Assistant Under Secretary of State for Latin American Affairs of the United States of America State Department, he had, during a previous visit to Bolivia, associated himself publicly as a member of the National Revolutionary Movement, which declaration had dumbfounded even the leaders of this party. When greeted vociferously by the minions of the MNR party upon his arrival, Holland hastily explained that he now came to Bolivia in a private capacity, as a Texas lawyer to negotiate oil contracts. However, with well-known Texan verbosity, he pointed out clearly his past official relationship to the United States Government and the Bolivian Government as well as his deep affection for the latter. It appears that the deal which brought him to Bolivia progressed handsomely, because he negotiated at a level to which he was accustomed in his previous duties, although now in a private capacity. His new status did not prevent him from enjoying the special privileges accorded to him before, but even fostered them.

Mr. Holland is again visiting us—whether to conclude the previous deal or to present new proposals, we do not know. Public opinion—surprisingly lenient in Bolivia—is, however, unable to reconcile the moral compatibility of a former Under Secretary of State with so many previous ties in Bolivia due to his official position, now exercising the profitable activities of a private lawyer amongst us. It seems to indicate contempt for public opinion in Bolivia.

The high standing commonly associated with the Government officials of the great North American country—decent men, never mixed up in shady deals—would have made it desirable that we should always remember Mr. Holland as a generous friend, free from hidden motivations. We would have liked to recall him with the respectful gratitude felt in Europe for General Marshall, due to his economic aid plan. This high esteem would have been lost—with serious damage to his prestige and that of his country's—if General Marshall would have been found to be a partner or agent of the large industrial companies whose economic recovery was furthered by his plan. The world needs from time to time heart-warming examples, such as that of General Marshall, to keep its faith in high, human values.

Besides, the transfer of oil concessions and the benefits derived from them can be advantageously negotiated by any Bolivian lawyer. Such is the method usually followed in Venezuela and Colombia in similar cases, where local professionals are preferred to foreign ones. To allow such negotiations to be conducted by foreign experts alone is a serious mistake; the application for a concession and the succeeding negotiations should not be the exclusive task of foreigners, but should be entrusted to native professionals in order to increase their economic welfare. On the other hand, the great hopes raised by the potential oil wealth of Bolivia, as well as the generosity of the Petroleum Code, so liberal as to border on extravagance,

are able to attract foreign investors by themselves, making the activities of propaganda agents quite superfluous.

ARMANDO SOTELO BELTRAN.

DEDICATION OF HARRY S. TRUMAN LIBRARY AT INDEPENDENCE, MO.

Mr. SYMINGTON. Mr. President, Saturday, July 6, was a day we of Missouri will never forget.

Many thousands of people wended their way to the pioneer town of Independence in order to participate in the perpetuation of the words and actions of Missouri's first citizen.

This was done through the dedication of the Harry S. Truman Library.

On that day also this library was presented to, and accepted by, the United States Government as a permanent memorial.

This library will be by far the most authentic source for the records of executive action taken during 8 of the most important years of the history of the United States.

The distinguished citizens who gathered for the testimonial to a great American President not only included such leaders of his own party as Speaker Sam Rayburn, of the House of Representatives; and majority leader of the Senate, Lyndon Johnson; along with the distinguished junior Senator from New Mexico, Mr. Anderson; the distinguished senior Senator from Oregon, Mr. Morse; and the distinguished junior Senator from Texas, Mr. Yarborough; but also including former President Hoover; the Chief Justice of the Supreme Court, the Honorable Earl Warren; the minority leader of the Senate, Mr. Knowland; and the assistant minority leader of the House, Mr. Halleck.

I have not at hand the fine remarks of President Hoover, but at this time, Mr. President, ask unanimous consent that the addresses made by the Chief Justice, the Senate minority leader, and Representative HALLECK be inserted at this point in the RECORD.

There being no objection, the addresses were ordered to be printed in the RECORD, as follows:

ADDRESS BY THE HONORABLE EARL WARREN, CHIEF JUSTICE OF THE UNITED STATES SUPREME COURT, AT THE DEDICATION CEREMONY OF THE TRUMAN LIBRARY, INDEPENDENCE, MO., ON JULY 6, 1957

This is an important event in the life of the Nation and I am happy to participate in it. The library which we dedicate is destined to become a Midwestern center of study and research, not only for the period of Mr. Truman's Presidency, but also for the whole complex picture of events surrounding it. The impetus it provides for extending the research resources of this great section which has meant so much to the development of the Nation as a whole, represents a milestone in American history.

The casual observer would have difficulty in appreciating the dynamic part this quiet home city of Independence has already played in the growth of our country. Used as the hunting grounds of the Indians before and after the arrival in America of Europeans, this area was once part of the colonial empire of France and Spain. It was acquired by the United States in the Louisiana Purchase of 1803. Independence soon become a frontier settlement, the jumping-off place for those hardy pioneers, who gave forceful character to the Midwest and the Far West. It helped to impart to those great regions the spirit of the famous explorer Daniel Boone, whose son, Daniel Morgan Boone, is said to have been the first white man to visit this region. As more and more permanent settlers established themselves, Independence flourished as a trading post and outfitting point for the Oregon, Santa Fe, and California trails. The various chains of events started in motion here in those days of the Argonauts, are among the most colorful and heroic of our entire history. The Mormons came here to make their home in 1831, but, after two turbulent years, they moved on. After long wandering and, at a site a thousand miles westward, they finally established their Zion and founded the great State of Utah. The growth of Independence was given a tremendous impetus by the 1849 gold rush which brought many prospectors to purchase supplies for their journey to California. They were a hardy and adventurous lot spurred on by the lure of gold. Thousands of them, in their prairie schooners or on horseback wended their way across plains, mountains and desert to the Pacific Coast. Of them it has been said that "The timid never started and the weak died on the way." Mr. Truman's grandfather owned one of these outfitting stores, and eventually himself succumbed to the gold fever. He made the trek to California and acquired a ranch at our capital city of Sacramento. Independence, now a typical community, seems far removed from those days when it served as a western outpost.

Mr. Truman's Presidency naturally reflected this daring spirit of pioneer days as well as his own character as a man of action: Tireless, fearless, and decisive. Let me say that I personally came to appreciate his dynamic fighting qualities, perhaps earlier and more fully than some other people, in the fall of 1948, before he reached midpoint of his administration. The Truman era is already recognized as one of the most momentous periods in the history of our country and of the world. The demands then made upon the President were as diverse and breathtaking as they were ponderous. Complicated events crowded upon one another giving Mr. Truman little or no time to sit, ponder, and mull over historical precedents. He was, like Grover Cleveland, confronted with conditions, not theories. Repeatedly he was called upon to act with promptitude and resolution. His response always was action; even split-second action in matters of the gravest importance. The best evidence of the magnitude of the office he held, of the considerations basic to his decisions, of the methods he adopted to meet new and pressing problems will be found in the Truman papers housed in this library. Without them, the world would never fully understand his courage and stamina in responding in the vigorous and effective way he did to crises such as few other Executives have had to face.

Toward the close of World War II, and within a few weeks after he assumed the Presidency, Mr. Truman was host to representatives of the peoples of the world who met in America to form a world organization dedicated to maintaining and enforcing peace. During his administration, the headquarters of the United Nations were established in this country, we are entitled to believe, largely by reason of his leadership, the hospitality extended by our people, and the manifest desire for universal order in the soul of every American. While the United Nations was as yet young and untried, and while we were engaged in making a profound adjustment to a peacetime economy—demobilizing our armies, putting the ships of our fleet in mothballs, dismantling aircraft, reconverting industries, creating jobs, and developing human relations in and out of this country—the whole process had to be reversed by the outbreak of hostilities in Korea. There, at the instance of Mr. Truman, troops of many nations, for the first time in history, fought solely to restore peace with freedom under an international banner. Aggression was repelled. The war was successfully contained. Arrogance was frustrated as had previously been done in Europe with the Berlin airlift.

Again, it was during Mr. Truman's administration, with the experience of the Second World War behind us, that an end was put to any possibility that the United States could ever return to a policy of isolation and self-sufficiency. Out of that conflict had come the discovery of nuclear fission with implications for future good or evil and posing a grave challenge to the human family. Although we did not seek it, worldwide responsibility was thrust upon us. The obligation of this responsibility was accepted in an open-spirited way. We engaged to undergird the defenses of the Free World. A daring new policy of international cooperation and assistance designed to reconstruct the world and to aid backward areas through economic and technical assistance was then promulgated and has since been continued.

Colleges and universities whose faculties and students will reap the greatest benefit from their use of the Truman Library were among the institutions that experienced conspicuous changes during the Truman administration. The United States Government financed, in large part, the education of its veterans. The return to school of many thousands of serious and studious men, under the GI bill of Rights Act, doubled the registrations in institutions of higher learning. In this period, more than ever before, we recognized the need for college-trained citizens and we began to wrestle boldly with our educational problems. It became national policy that our veterans, educationally speaking, must not become a lost generation. Since then, because of the war-inflated birth rate, the size of elementary schools has doubled and now our high schools are feeling the effect of greatly increased enrollment. Shortly, the colleges and universities will have to double in size again. It is fortunate that the Truman Library is to become a part of our vast and growing educational system—that it can be a major influence in the process of training an ever-growing number of research students.

Prof. John D. Hicks of the University of California has aptly spoken of history as "an endless procession of human experience marching toward the present and the future. But the only way this procession can reach the current scene is through our recent past. The years just fading from our memories constitute, in a sense, the bridge over which the contributions of earlier ages must pass to make contact with the world of today and tomorrow."

The Truman papers will furnish substantial material "to keep this bridge in order." From them we are able to take inventory, to discover where we came from, how we got here, and, perhaps, to chart our future route more intelligently. People from the universities and colleges of this country and from foreign countries will beat paths leading to and from Independence reminding us of those of the 19th century. These new trails will be kept open because there will be sustained use of the Truman papers by future generations of writers, biographers, historians, political scientists, and others. The traveler following these new trails will explore the background which the Truman Library will provide for a more complete understanding of the contributions made by his administration. Independence will become even more distinguished as a center for the cultural development of our country than it was for its geographical expansion.

Again to quote the historian, the former preoccupation of that profession with the distant past had the effect "that the darkest age, historically speaking, was likely to be the age just gone by." Mr. Truman, the private citizen, now back at home, continues to dedicate his life to the public good—to make certain that the years of his administration will not be such a dark age. Today he performs a characteristic service in giving both his time and his substance to do that which in this instance only he can do. He is providing the people of America and the people of the world with the means to form their own estimate of his public service. Mr. Truman, who has an abiding interest in our national history, has arranged for the preservation of his papers in this library in such manner that his administration will be one of the clearest ages of history. It is in compliance with his public-spirited generosity that I dedicate this building as a museum and a library to safeguard, exhibit, and facilitate the use of its valuable resources that the American people, and, all the peoples of this earth, may gain by their wide and wise use understanding of ourselves and our times, and wisdom to choose the right paths in the years that lie ahead.

In doing so I share with all Americans the hope that Mr. Truman will live long to see the results of his work and to be accorded recognition that the future of mankind will be richer because of his having passed this way.

STATEMENT OF UNITED STATES SENATOR WILLIAM F. KNOWLAND, DEDICATION CEREMONIES OF TRUMAN LIBRARY, INDEPENDENCE, MO., JULY 6

President and Mrs. Truman, President Hoover, Governor Blair, distinguished guests, ladies, and gentlemen, we meet here today as Americans and not as partisans. We are here to help dedicate a library and its contents made available by the gifts of the American people and the generosity and interest of former President Truman. This collection will be of tremendous value to present and future generations of Americans.

As minority leader of the Senate and I know voicing the sentiments of the majority leader as well who was here this morning but had to return to Washington this afternoon, we bring the greetings and best wishes of the Senate of the United States in which Mr. Truman ably served as a Senator from the State of Missouri.

While there are many matters on which there are differences of opinion from a partisan or a geographic background there is a unanimity among us as Americans that we will work shoulder to shoulder together to preserve our Republic and to help maintain a free world of free men.

REMARKS OF CHARLES A. HALLECK, REPUBLICAN, OF INDIANA, INDEPENDENCE, MO., AT DEDICATION OF TRUMAN MEMORIAL LIBRARY, JULY 6, 1957

This is a magnificent occasion and I am happy and proud to be a part of it.

Let me also say that it was most gracious of President Truman to invite me out to participate in this ceremony.

Everyone familiar with the political scene of the past 10 years is well aware that Mr. Truman and I have not seen eye to eye—to put it mildly—on many things. You might even say that we have, in our political relationship, upheld the highest traditions of the Hatfields and the McCoys.

But whatever our differences may have been in the past—and I doubt that there were any hatchets buried in that cornerstone this morning—there has never been, to my knowledge, anything of personal bitterness between us. Nor will there ever be, I am certain.

I am here at the kind invitation of our host probably because it was my privilege to play a part, as House majority leader in a Congress which had a role in many of the momentous events whose history is recorded in the institution we are dedicating today.

It seems to me the inherent strength of our great two-party system was strikingly demonstrated during that period.

Certainly the times were difficult enough to provide an acid test of any system and the men upholding it.

The long years of World War II had subjected our own economy to severe stresses and strains. The grim question facing the Free World was whether, for the devastated nations which had fought as allies, we had won a Pyrrhic victory on the battlefield that would cost us the very freedom we had sought to preserve.

Having exerted our might to win the war, America now faced the burden of leadership in winning the peace.

Any illusion that the wartime alliance with Russia had been anything but a marriage of convenience had been shattered by Soviet maneuvers to capitalize on the weakness of small nations exhausted by the conflict.

Communism was on the march, in the Middle East, in Europe, and in Asia.

The records within the walls of this library will document how well the leadership of America, in the executive and legislative branches, met its responsibility to the cause of freedom.

In this solemn obligation—the obligation to resist communism and to prevent its domination over liberty-loving people everywhere—a Democrat President and a Republican Congress found common ground.

I believe history will confirm that what was done at that time did save Europe from communism.

In April of 1947, at the request of President Truman, Congress passed legislation providing aid for war-devastated countries. We had served notice to the Kremlin that on this issue Republicans and Democrats were standing together as Americans.

We enacted a second measure, again at the President's request, this time aimed at keeping Greece and Turkey out of the Communist orbit.

I don't pretend there wasn't opposition in the Congress to these programs—opposition from both sides of the aisle. But a vast majority of Members in both the House and Senate recognized that the United States was the only power on earth capable of stopping Russia, and that our own national security demanded action.

That conviction was reflected in the title of an interim aid bill for France and Italy, which set out the purpose of this third piece of major legislation as follows:

"To promote world peace and the general welfare, national interest, and foreign policy of the United States by providing aid to certain foreign countries."

These actions were forerunners of the comprehensive, multibillion dollar Foreign Assistance Act of 1948, otherwise known as the European Recovery Act, a one-package bill to implement the Marshall plan, called for by the Secretary of State and the President.

Now the march of history has given the nation a Republican President and a Democrat Congress.

And still the free nations have not won the struggle for a just and lasting peace in a world where tyranny is no longer a threat.

I know that President Eisenhower will receive as great a measure of cooperation in his efforts to win the peace for mankind as as was accorded his predecessor.

Meanwhile, we meet here to dedicate a structure that will house papers which record a significant chapter in our history.

I commend President Truman for his enterprise in this most worthy project, a project whose value to the Nation speaks for itself.

It has been a pleasure to be here and to take part in this dedication.

Mr. SYMINGTON. Those of us on this side of the aisle do not always agree with the distinguished Senator from California, but there is no Member of this body for whom we have greater respect and affection.

One reason for this is well illustrated by the visit he and his lovely wife made to this ceremony in Independence last week, and the kind and gracious words he said, and I thank him in the name of all the people of Missouri.

Those of us who take pride in the accomplishments of that former member of this body who went on to become President of the United States are also especially pleased and grateful for the magnificent tribute paid Mr. Truman by another outstanding public servant who has risen to the highest judicial position in this land.

Mr. President, at this point in the RECORD I ask unanimous consent that a few remarks made by me at the luncheon held on that great day in the auditorium of the Reorganized Church of Jesus Christ of the Latter-day Saints be inserted at this point in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS AT LUNCHEON BY SENATOR STUART SYMINGTON, HARRY S. TRUMAN LIBRARY DEDICATION, INDEPENDENCE, MO.

President Truman, President Hoover, Mr. Speaker, Mr. Chief Justice, Mrs. Truman, Mrs. Roosevelt, Senator Johnson, Senator Knowland, Representative Halleck, distinguished guests, ladies, and gentlemen, it is a very great pleasure for me to welcome here today, to this historic city, all these friends of the No. 1 citizen of Missouri.

This week, to all Americans, is a week of reassertion—reassertion of our abiding faith in our independence and our way of life.

It is therefore a fitting week in which to dedicate, to the eternal glory of Missouri and the Nation, a library that will perpetuate the thoughts, the writings, and the actions of the man of Independence.

Not many years ago, according to his mother, this young man plowed a straight furrow, the straightest furrow in Jackson County—and those of us who know him, know also that that ability was to become the outstanding characteristic of his life.

In the heart and soul of this youth there grew knowledge of the concrete beauty of America—its rolling fields, its mountains, and its strong running rivers. And also knowledge of the abstract beauty which makes up this scene—the traditions of our family life, of our church, and of our form of government.

Men who stay close to the land drink deep of the desire to serve.

And so it was near here that his character was moulded, aided always by the wise and gracious lady who became his wife.

We are honored to have with us today that beloved Texan, SAM RAYBURN. It was Mr. RAYBURN who said to me many years ago, "When men come to Washington, they just swell, or they grow."

Those of us who know our honored guest know also that his career exemplifies steady and continuous growth.

This fact is well illustrated by the thinking behind the building we dedicate this afternoon. God having blessed our honored guest with a rich and full life, he himself

then determined to return as much of the evidence and rewards of his work as possible to those who had checked him to highest office.

If I may paraphrase a part of one of the world's great speeches, here in this library will be a record of the men, living and dead, who for some 8 years worked and fought bravely with him to preserve this Nation.

Six years from now we will commemorate the centennial of that battle which caused this immortal address.

One hundred and six years from now scholars and students from all over the world will be walking through these halls, dedicating themselves with increased devotion to the great tasks of those days to come.

And what an inspiring opportunity they will have.

Here they will view the priceless records of the first practical efforts after World War II to resist the growing might of atheistic communism: the Marshall Plan, the Truman Doctrine itself, the Berlin Airlift, the North Atlantic Treaty Organization, the courage of Korea.

Here, for all to see, will be much of the eternal record of man's greatest single effort toward permanent world peace—the United Nations.

These visitors will view the record of this man of quiet courage, who rose to meet and conquer every challenge to his country; and who, at the same time, gave the people of his Nation the highest standard of living any people have ever known in the history of the world.

One characteristic these members of our future generations will not be able to see, however, is the innate modesty of him to whom this library is being dedicated.

As illustration, last week in Washington we had lunch together. I asked, "How do you feel?" He replied, "This has been a great day for me. When I was walking through the Senate corridor a few minutes ago, a woman touched her husband's arm and said, 'Look, there goes Margaret's father.' "

And so, Mr. President, thank you for again exhibiting your quiet determination, this time by bringing home the records of your administration. In the years to come Independence will be a shrine for those who seek the truth.

We of Missouri thank all you visitors for honoring us with your presence today.

When you return to your homes, I am sure you will give an eyewitness report to your friends and neighbors. You will tell them of this enduring testimonial to the hard work, the courage, and the wisdom of our honored guest; a great President, a great Missourian, and a great American—Harry S. Truman.

Mr. JOHNSON of Texas. Mr. President, will the Senator from Missouri yield to me?

Mr. SYMINGTON. I am glad to yield to the distinguished majority leader, who was very kind in earlier remarks about the occasion in question.

Mr. JOHNSON of Texas. I wish to express my personal thanks to the distinguished junior Senator from Missouri for the hospitality and courtesy which he and other distinguished citizens of his State accorded visitors upon the occasion of the dedication of the Truman Memorial Library.

It was a fine tribute to former President Truman that such distinguished citizens as Chief Justice Warren, the distinguished minority leader [Mr. KNOWLAND], the distinguished assistant minority leader of the House [Mr. HALLECK], and many other Members of both the House and Senate were in attendance upon that occasion.

I believe all Members of the Senate appreciate the great contribution which the junior Senator from Missouri has made in connection with our visit to Missouri to attend the ceremonies incident to the dedication of this historic library. Former President Truman once again has earned the Nation's gratitude for his unselfishness and generosity in making available to us, to our children, and to our childrens' children, such a valuable collection. It will serve as a permanent monument to all the men who have occupied the role of Chief Executive of our Nation.

For a long time I have held a warm spot in my heart for the great State of Missouri. I must say that after having visited there again on Saturday, it occupies a place in my affection second only to Texas.

Mr. SYMINGTON. I thank the distinguished majority leader for his kind remarks. He has countless friends in my State. Former President Truman was very grateful that the able majority leader graced the dedication of this great library by the occasion of his presence, and made that much more eventful.

Mr. YARBOROUGH. Mr. President, I commend the distinguished junior Senator from Missouri for his very appropriate remarks here today. It was my privilege to attend the dedication of the Harry S. Truman Library at Independence, Mo., last Saturday. President Truman is due the thanks and gratitude of the American people for his generous action in giving to the people of the United States his presidential papers, and also the personal gifts bestowed upon him while serving as President. It is a type of patriotism in keeping with the highest traditions of our people. It follows the example of Washington in donating his services to this country in the Revolution.

President Truman's call on the people and Government of the United States to collect and preserve the papers of all the Presidents is but another evidence of that farsighted patriotism which has distinguished his public service at so many times and places.

The laying of the cornerstone of the library last Saturday morning, the noon lunch, the afternoon dedication, and the final reception tendered the guests by former President and Mrs. Truman, all were events which fill one with pride and humility at the greatness of our Nation, her people, and that public servant who did so much to advance human liberty.

I join in this tribute to President Truman, and in the wish that all the papers of all our Presidents might be preserved as a great reservoir of historical knowledge.

Mr. SYMINGTON. Mr. President, I thank the junior Senator from Texas for his statement.

ADDITIONAL EVIDENCE OF EXCELLENT WORK OF COMMITTEES OF PEOPLE-TO-PEOPLE PROGRAM

Mr. WILEY. Mr. President, as my colleagues may recall, it has been by pleasure on several occasions in the past to point up the wonderfully constructive role which is being played by the People-to-People Program, Inc. This is the fine organization which is fulfilling the worthy mandate conveyed by the President of the United States at the White House Conference which he had called.

During the past several weeks, it has been my good fortune to be in contact with many of the 42 chairmen of the committees of the people-to-people program—as well as with Mr. Charles E. Wilson, its distinguished president, and Mr. George V. Denny, Jr., vice president.

I now send to the desk extracts from a few of the additional messages which I have received from these various committee chairmen who are carrying out the people-to-people program in all fields of American endeavor.

This particular compilation includes comments which were made in reports and letters to me from Col. John Slezak, former Undersecretary of the Army and now cochairman of the nationalities division; from the Honorable William J. Donovan chairman of the fraternal activities committee; Mr. James C. Evans, staff director of the armed services committee; Mr. Arthur A. Schuck, who is the chief Scout executive of the National Council, Boy Scouts of America, Inc., and who serves as chairman of the youth activities committee; Mr. Theodore S. Repplier, chairman of the advertising organization committee; and Mrs. Katherine D. Moore, staff administrator of the music committee.

I am of course very grateful for the generous comments which have been made by these and other committee chairmen and staff members in letters and visits to me.

I believe that these comments will be of interest to my colleagues, and I ask unanimous consent that a brief statement which I have prepared, including various quotations from the committees, be printed in the RECORD at this point.

There being no objection, the material referred to was ordered to be printed in the RECORD, as follows:

THE NATIONALITIES DIVISION OF THE PEOPLE-TO-PEOPLE PROGRAM

Of interest to 35 million Americans of first and second generation—foreign extraction—is the work of the nationalities division.

Cochairmen of this division are Col. John Slezak, American industrialist, and former Under Secretary of the Army, and Judge Juvenal Marchisio, who is national chairman of the American Committee on Italian Migration.

An outstanding group of various American leaders of foreign ancestries serve as members of the executive board of the committee, and in other capacities.

There follows a press release which lists some of these eminent Americans:

"MEN OF MANY ORIGINS LEAD THE NATIONALITIES COMMITTEE OF THE PEOPLE-TO-PEOPLE PROGRAM

"The executive board of the nationalities committee of the people-to-people program recently held its first meeting in New York City, presided over by Col. John Slezak and Judge Juvenal Marchisio, the national cochairmen.

"Appointed national vice chairmen are: Col. Sigurd Arnesen, former United States military attaché to Stockholm and publisher

of the Norwegian newspaper Nordisk Tidende; Charles Rozmarek, president of the giant fraternal Polish National Alliance and of the Polish-American Congress: August Steuer, well-known sportsman and publisher of the New Yorker Staats-Zeitung und Herold.

"Members of the newly constituted board are: Celestino T. Alfafara, grand master of the Filipino order Caballeros de Dimas Alang from San Francisco, Calif.; Valdimar Bjornson, noted newspaperman of Icelandic origin and now treasurer of the State of Minnesota; Julio Garzon, editor in chief of La Prensa in New York City; Read Lewis, executive director of the Common Council for American Unity; Dr. Joseph L. Lichten of the Antidefamation League of B'nai B'rith; S. T. Kotelly, well-known Albanian leader and assistant district attorney of Detroit, Mich.; V. I. Mandich, president of the Croatian Fraternal Union, Pittsburgh; and Andrew J. Valuchek of the newspapers New Yorksky Dennik and the New Yorske Listy, and the president of the Slovak Gymnastic Union Sokol, Perth Amboy.

"Mr. Valuchek was elected secretary of the executive board, and Mr. Andrew P. Maloney, vice president of Bankers Trust Co., accepted the post of treasurer.

"Associate director of the common council, Yaroslav J. Chyz, formerly editor of a Ukrainian-American newspaper, was appointed executive director of the nationalities committee, and Mr. Joseph Jordan was appointed public relations consultant.

"The nationalities committee of the people-to-people program has set up temporary offices with the People-to-People Foundation, Inc. in the Carnegie Hall Building, 881 Seventh Avenue, New York, N. Y."

ACTIVITIES OF THE NATIONALITIES COMMITTEE

The purpose of the Nationalities Committee is to stimulate people-to-people activities among the foreign-born and those of their descendants who identify themselves with those groups.

1. STATISTICAL DATA

According to the United States census of 1950, there were 10,161,168 foreign-born whites in the United States, and 23,589,485 native whites of foreign or mixed parentage. Besides these figures, there were 569,637 persons of Chinese, Japanese, Filipino, and other nonwhite but not Negro origins. Out of these approximately 35 million persons, close to 25 million were natives or descendants of natives of free countries in America, Asia, and Europe. About 9 million were natives or descendants of natives from countries behind the Iron Curtain in Europe and Asia.

The largest among them, according to the same census, were those of British Commonwealth origin (about 8 million, including about 750,000 French Canadians); of German origin (more than 4,700,000); Italian origin (over 4,650,000); and of Polish (2,800,000); U. S. S. R. (more than 2,500,000); Mexican (1,300,000), and Swedish (1,200,000) origins; and 10 other groups number a quarter of a million or more persons each.

Since the census was made by countries of origin or birth, and not by nationalities, many large groups, such as Jewish, Croatian, Slovak, Ukranian, and others, are not mentioned and are submerged in figures for U. S. S. R., Poland, Austria, Yugoslavia, etc.

2. MEDIA

Press: The non-English-speaking groups maintain a press, which comprises 833 publications in 39 languages, with close to 4,800,000 circulation. Of these, 77 are dailies, 279 semiweeklies and weeklies, 357 semimonthlies and monthlies, and the rest of lesser frequency.

Radio: Through 578 radio stations in 43 States, 1,195 broadcasts are beamed in 38 languages, the largest of them being Spanish (269), Italian (162), and Polish (158).

Organizations: The members of the nationality groups are organized in over 900 national and regional associations of various types: Religious bodies (142—about 35,000 parishes and congregations), fraternal organizations (185—31,000 lodges or branches), civic-social (181), political (121), cultural-educational (167), and others. Probably 100,000 or more local clubs and societies are not affiliated with national bodies.

Letterwriting: Out of some 297 million letters mailed from the United States during the fiscal year 1954–55, the majority, if not three-quarters of them, were to relatives and friends of Americans of foreign origin.

Mr. WILEY. The activities of the nationalities committee are summed up in the following extracts from several of its statements:

Travel: According to official statistics for the year 1954, out of 452,049 passports issued during that year, 159,911 were issued to naturalized, i. e., foreign-born citizens. It is safe to assume that probably a similar number were issued to second-generation Americans.

Exchange of persons: Several nationality groups, such as the Belgian, Dutch, German, Polish, and Scandinavian (Danish, Finnish, Norwegian, and Swedish), have organizations which help, on a rather modest scale, to educate students and trainees in American schools, hospitals, and industrial enterprises.

WHAT YOU CAN DO NOW

Since the inception of the people-to-people program in the fall of 1956, chiefly preparatory and organizational work of the various committees has been in progress. During this period, however, there has been considerable publicity regarding the program, and many Americans in every walk of life have shown a keen desire to participate.

"What, specifically, can I as an individual do to better international understanding?" This is the question being asked by people in increasing numbers, every day.

The nationalities committee is preparing a booklet, which will give in detailed form the many projects that nationality groups throughout the country can initiate. In the meantime, however, we give the following brief outline of some of the activities so that those people who are anxious to start the ball rolling may do so.

Here are some of the ways by which the people-to-people program can be promoted:

1. Letters: Continue, and enlarge, correspondence with friends, relatives, and even unknowns, abroad, and help other Americans to correspond with people of the country of your ancestors.

2. Printed matter: Send books, magazines, newspapers, periodicals, depicting American life in the true light, to individuals, schools, libraries, etc., in the country of your origin. Send publications in your language to your friends abroad and organize the exchange of these publications with newspapers abroad.

3. Students: Promote and organize help to students of your group to obtain scholarships for study abroad and bring students from your country of origin to study here.

4. Travel: See that members of your group, while traveling abroad, remember every traveler—an ambassador of good will. Write to us for the booklet, What Should I Know When I Travel Abroad?

5. Hospitality: Individual or group visitors from abroad should be shown the traditional American hospitality so that they may carry back with them a true picture of the character of the American people. This activity should be a part of the program of women's organizations in each group.

6. Information for Americans: Assist lecturers from abroad to get American audiences. Encourage the study and use of foreign languages, and the dissemination of books on your country of origin to make them accessible to Americans in libraries, schools, and so forth.

7. Town affiliations: The "twinning" of towns can be a very effective means of communication. An American town or city can find its counterpart, because of a community of interest, in your native country and then establish contact for exchange in every field, such as arts, music, business, visits of officials, etc.

8. Youth: Nationality youth organizations, such as Scouts, junior social, fraternal, religious, sports, and other associations, choirs and dancing groups should join in people-to-people activities either with their elders or through the general American youth movement, directed by the youth committee.

These are but a few of the things which can be started immediately. It is understood, of course, that each group must use its judgment as to what activities most suit them. Groups whose countries of origin are behind the Iron Curtain should be especially cautious in planning their work in order not to hurt their friends abroad.

MESSAGE FROM HON. WILLIAM J. DONOVAN, CHAIRMAN, FRATERNAL ACTIVITIES COMMITTEE

One of America's outstanding wartime leaders and heroes and one of its leading citizens in peacetime is Gen. William J. Donovan.

I was naturally most pleased, therefore, to hear from this outstanding American in the course of my various contacts with the committee chairmen, and with the foundation itself, since General Donovan is its chairman, as well.

The following is the text of his letter of June 17 to me:

LAW OFFICES OF
DONOVAN, LEISURE, NEWTON & IRVINE,
New York, N. Y., June 17, 1957.

Hon. ALEXANDER WILEY,
United States Senate,
Washington, D. C.

DEAR SENATOR WILEY: Your remarks in the Senate concerning the People-to-People Foundation have been brought to my attention. I want you to know how much we appreciate your support and continued interest in this project which promises so much for international peace and understanding. Your awareness of the goals of this project is but another manifestation of your vision and leadership in the field of foreign affairs.

Sincerely yours,

WILLIAM J. DONOVAN.

ARMED SERVICES COMMITTEE ENCOURAGES PEOPLE-TO-PEOPLE PARTNERSHIPS

With vast numbers of Americans in uniform, stationed throughout the world, inevitably one of the most important jobs which can be performed is the mission of each member of the Armed Forces who serves his country in one of our outer ramparts of defense.

I was pleased, therefore, to look through a booklet entitled "People-to-People Partnerships and How the Armed Forces Participate." This booklet is No. 7 in what is entitled "Manpower Awareness Series," as published by the Office of the Assistant Secretary of Defense for Manpower, Personnel, and Reserve.

The booklet points out the many ways in which members of the Army, Navy, Air Force, and Marine Corps deployed abroad, together with members of their families, can and do strengthen ties of good will and understanding between ourselves and foreign peoples.

The following are extracts from this booklet, as conveyed to me by Mr. James

C. Evans, staff director of the Armed Services Committee:

RESOURCES AND FACILITIES AVAILABLE TO THE SERVICES FOR PEOPLE-TO-PEOPLE CONTACTS

MANPOWER RESOURCES

Approximately 800,000 American servicemen are stationed overseas.

Approximately 450,000 dependents of active duty military personnel are living overseas (wives, children, parents).

Approximately 58,000 United States citizens—civilian employees—are working overseas.

These human resources are widespread throughout many lands—Far East, central and southwest Pacific, Europe, Africa, Mediterranean, Middle East, and South America. Each has his or her job to do—but many have additional talents and training that could be used effectively to further our friendship with other peoples.

INFORMATION MATERIALS PREPARED BY OAFIE FOR USE BY THE SERVICES

DOD pamphlets: (Armed Forces talk) (Armed Forces information pamphlet).

Illustrated pamphlets providing information giving the service personnel an understanding of, and a living belief in, our democratic form of government and American ideals.

Fact sheets

Are used in emergencies, when it is necessary to get factual information to service personnel in certain geographical areas.

Pocket guides

Are illustrated factual booklets about countries overseas where service personnel are stationed or will visit frequently.

Special pamphlets

Are prepared as required to furnish Armed Forces personnel with information on subjects of general interest such as voting, survivor benefits.

Posters

Produced when required for special projects.

Films

Armed Forcess information films and Armed Forces screen magazine films are available in 16-mm. size in film libraries of all the services.

Armed Forces clip sheets

Are furnished weekly to approved service newspapers on request by the Armed Forces Press Service, New York. It consists of two sheets of news and art materials with precut stencils and mats of the art.

STARS AND STRIPES, OVERSEAS NEWSPAPER

News photographs to overseas service newspapers are available.

Stars and Stripes—overseas newspaper: Daily—local newspaper overseas—authorized in areas where services of such newspapers are not available.

EACH SERVICE DEVELOPS MATERIALS ON SUBJECTS PECULIAR TO ITS OWN REQUESTS

Information materials, base newspapers, posters, and educational materials.

ARMED FORCES RADIO AND TELEVISION FACILITIES

Transcriptions, program material, etc., are provided weekly by the Armed Forces Radio and Television Service to 177 outlets overseas. Weekly radio decommercialized broadcasts originating in the United States are furnished these stations. Decommercialized information and education shows, religious shows, and entertainment shows are furnished.

Areas served by Armed Forces radio: Alaska, Canada, Caribbean, Europe, Italy, England, France, Pacific, north Africa, North Atlantic, Middle East, and the Far East.

Areas served by 20 Armed Forces TV stations: Maine; Libya; Iceland; Greenland; Okinawa; Luzon, Philippine Islands; Azores; Saudi Arabia; Bermuda; Eritrea; Cuba; Newfoundland; Marshall Islands; Alaska; Canal Zone; and Goose Bay, Labrador.

In addition to this service, there is a shortwave schedule of 13½ hours daily for the Pacific area (news, sports, special interests, political) and 5¾ hours daily for the Atlantic and South Atlantic area. TV stations receive approximately 50 hours per week of filmed programs.

Radio and TV stations produce live programs, utilizing local talent in the country where the station is located. TV stations in the Azores and Libya are producing programs in the language of the local foreign nationals.

Within the very near future some TV stations will be presenting films of civilian educators lecturing on a variety of academic subjects. Other educational and cultural materials are also available upon request.

WORK OF THE PEOPLE-TO-PEOPLE YOUTH ACTIVITIES COMMITTEE

The newspapers report that Valley Forge, Pa., will once more ring with the welcome voices of tens of thousands of Boy Scouts from the four corners of the Nation.

It is naturally most appropriate that the chief Scout executive of the Boy Scouts, Mr. Arthur A. Schuck, serves as chairman of the youth activities committee.

One of the most interesting projects of this committee was the gathering of the results of a questionnaire which was filled out by 26 youth-serving organizations.

The answers on this questionnaire demonstrate the very considerable extent to which these groups are even now carrying on various types of contacts with young people's groups throughout the world.

Current projects include not only direct person-to-person contacts, but exchange of knowledge and skills through publications, scrapbooks, visual aids, film recordings, and a broad variety of other activities.

There follows now a list of the 26 organizations which contributed to the answering of this important questionnaire prepared by the youth activities committee:

REPORTING ORGANIZATIONS

1. American Camping Association, Inc., Bradford Woods, Martinsville, Ind.
2. American Field Service, 113 East 30th Street, New York, N. Y.
3. American Friends Service Committee, Inc., 20 South 12th Street, Philadelphia, Pa.
4. American Jewish Committee, 386 Fourth Avenue, New York, N. Y.
5. American Youth Hostels, Inc., 14 West Eighth Street, New York, N. Y.
6. The American National Red Cross, National Headquarters, Washington, D. C.
7. Big Brothers of America, Inc., 1347 Suburban Station Building, Philadelphia, Pa.
8. Boys' Clubs of America, 381 Fourth Avenue, New York, N. Y.
9. Boy Scouts of America, New Brunswick, N. J.
10. Camp Fire Girls, Inc., 16 East 48th Street, New York, N. Y.
11. Children's International Summer Villages, Inc., 634 Dixie Terminal Building, Cincinnati, Ohio
12. The Experiment in International Living, Putney, Vt.
13. Future Farmers of America, Department of Health, Education, and Welfare, Office of Education, Washington, D. C.
14. Girl Scouts of the United States of America, 155 East 44th Street, New York, N. Y.
15. Huckleberry Mountain Workshop—Camp Hendersonville, N. C.
16. The International Recreation Association, 345 East 46th Street, New York, N. Y.
17. Junior Achievement, Inc., 345 Madison Avenue, New York, N. Y.
18. Koinonia Foundation, Pikesville Box 5744, Baltimore, Md.
19. National Association of Student Councils, 1201 Sixteenth Street, NW., Washington, D. C.
20. National Catholic Welfare Conference, 1312 Massachusetts Avenue, NW., Washington, D. C.
21. National Jewish Welfare Board, 145 East 32d Street, New York, N. Y.
22. The Salvation Army, 120–130 West 14th Street, New York, N. Y.
23. United States Committee for UNICEF, United Nations, N. Y.
24. United States Department of Agriculture, Federal Extension Service, Washington, D. C.
25. Young Men's Christian Association, 291 Broadway, New York, N. Y.
26. Young Women's Christian Association, 600 Lexington Avenue, New York, N. Y.

THE WORK OF THE ADVERTISING ORGANIZATIONS COMMITTEE

It is estimated that $10 billion is being spent in advertising in America at the present time. And even this huge figure is scheduled to be topped in the years up ahead.

Advertising has become a profound force in strengthening the free-enterprise system, in maintaining supply and demand in balance, and in improving our standard of living.

It is only natural, therefore, that the Advertising Organizations Committee should occupy a leading role in the people-to-people program.

The following is therefore a report which I have received from Mr. Theodore S. Repplier, president of the Advertising Council, Inc.:

REPORT OF THE ADVERTISING ORGANIZATIONS COMMITTEE

The general purpose of the Advertising Organizations Committee is to provide a means by which various aspects of the American advertising profession can be brought to bear on the purpose of the people-to-people program, which is, in turn, to strengthen understanding among peoples by broadening direct communications between them.

Representatives from the following organizations are serving on the Advertising Organizations Committee:

Brand Names Foundation, Associated Business Publications, Outdoor Advertising Association of America, Advertising Federation of America, Magazine Advertising Bureau, Direct Mail Advertising Association, National Association of Transportation Advertising, Association of National Advertisers, Advertising Age magazine, National Industrial Advertisers Association, American Association of Advertising Agencies, Advertising Association of the West, National Business Publications, Advertising Research Foundation, Point of Purchase Advertising Institute, International Advertising Association, Association of International Advertising Agencies, the Advertising Council, Inc.

The committee has gradually settled on a list of specific projects that seem both appropriate and promising. These projects are now in various stages of development. They are:

(a) Advertising fellowships for advertising people from other countries.

(b) Production of a film on anti-American propaganda and the need to correct it.

(c) Hospitality to foreign visitors by local advertising clubs.

(d) Preparation of a comprehensive exhibit on American advertising to be sent overseas.

(e) Possible drive to collect American books specially desired overseas.

(f) Advertising services to the People-to-People Foundation and people-to-people committees.

MUSIC COMMITTEE HELPS TO OVERCOME INTERNATIONAL BARRIERS

My colleagues will recall the correspondence which I have had with various members of the Diplomatic Corps here in Washington concerning the role which can be played by the arts in overcoming barriers between peoples.

Music—the international language—is a particularly wonderful instrument for encouraging understanding.

I was pleased, therefore, to receive from Mrs. Katherine D. Moore, staff administrator of the music committee, a fine booklet which shows specifically how a member of any of the musical organizations of the United States can cooperate with the people-to-people program.

I urge musically interested Americans to get in touch with this committee.

It, itself, is fortunate to have an outstanding array of musical leaders in its roster. There follows now a list of these leaders:

MUSIC COMMITTEE OF THE PEOPLE-TO-PEOPLE PROGRAM OF THE UNITED STATES OF AMERICA

Eugene Ormandy, chairman, music director, Philadelphia Orchestra.

Mrs. Helen M. Thompson, executive vice chairman, executive secretary, American Symphony Orchestra League.

EXECUTIVE COMMITTEE

John S. Edwards, manager, Pittsburgh Symphony; Ronald Eyer, editor, Musical America; Jack Ferentz, American Federation of Musicians; Goddard Lieberson, president, Columbia Records, Inc.; William Schuman, president, Juilliard School of Music; Dr. Grace Spofford, music chairman, National Council of Women of the United States.

PLANNING COMMITTEE OF THE MUSIC COMMITTEE

Emily Coleman, Newsweek magazine; Oliver Daniel, Broadcast Music, Inc.; Gerald Deakin, American Society of Composers, Authors and Publishers; Mrs. Ronald A. Dougar, president, National Federation of Music Clubs; Alfred V. Frankenstein, Music critic, San Francisco Chronicle; Miss Martha Graham, dancer; Howard Hanson, president, National Music Council; Arthur Judson, director, Columbia Artist Management, Inc.; Miss Vanett Lawler, executive secretary, Music Educators National Conference; James C. Petrillo, president, American Federation of Musicians; Gregor Piatigorsky, cellist; Emanuel Sacks, vice president, RCA Victor Records; Thomas B. Sherman, music critic, St. Louis Post-Dispatch; Dr. Carleton Sprague Smith, chief, music division, New York Public Library; Isaac Stern, violinist; Howard Taubman, music editor, New York Times; Luben Vichey, president, National Artists Corp.; Gid W. Waldrop, editor, Musical Courier; William Warfield, basso.

CONCLUSION

These extracts have been presented as samples of what can be done, is being done, and should be done in the future.

President Eisenhower, as honorary chairman, General Donovan, chairman, and Mr. Wilson, president, have all stressed this basic fact: The success of the people-to-people program naturally depends upon the participation by millions of grassroots Americans in its efforts.

I am satisfied that this program is making splendid progress.

It can and will make still more progress, especially if sufficient funds are made available to it.

That is why I am hoping that some of the great foundations in America will help carry the financial load of this unique undertaking.

It is why I urge Americans in all walks of life to have their own particular organizations get in contact with the people-to-people program in the Carnegie Hall Building in New York.

As for myself, it will be my pleasure to render continued service to this fine organization.

RELIEF OF HUNGARIAN AND EGYPTIAN REFUGEES

Mr. JAVITS. Mr. President, on Friday last, 10 Senators transmitted to the chairman of the Committee on the Judiciary of the Senate an urgent request for hearings on immigration bills, particularly those relating to refugees and escapees. There are some 23,000 Hungarian refugees in this country alone, who are awaiting regularization of their status. Hungarian teen-agers who fought for freedom in Hungary are languishing in Austria and other places in Europe, without a fair opportunity for us to take our fair share.

We feel very strongly that to implement the resolution adopted by this body only last week, calling for action on the United Nations Special Report on Hungary, we need to do something, and to do it at this session. The need is urgent, and we should do something immediately, upon this immigration subject.

I should like to read at this point the last paragraph of the statement sent to the chairman of the Committee on the Judiciary by the 10 Senators to whom I have referred:

As the Hungarian refugee situation remains unresolved and as the peoples of the world look to the representatives of the people of the United States, the Congress, for action, the necessity for enactment of the pending legislation becomes more urgent. We believe that the time has come for your committee to take affirmative action if any progress is to be made on this vital problem at this session of the Congress, as we are deeply convinced it must be in the national interest.

I point out that this situation affects also refugees from the Nasser dictatorship in Egypt, as well as refugees from the Hungarian terror of the Communists. I know of nothing which could remind the world more effectively of what humanitarism really means than our action in again recalling to the world the heroic example set by the great Hungarian people by admitting some of these heroic refugees.

The decks are now cleared for the Committee on the Judiciary. We will be considering the subject of civil rights in the Senate, and I hope very much that the committee will take this time for the purpose of considering this urgently essential immigration legislation.

CIVIL USES OF ATOMIC ENERGY—AGREEMENTS FOR COOPERATION WITH CERTAIN FOREIGN COUNTRIES

Mr. PASTORE. Mr. President, on July 3, four more agreements for cooperation were both signed and filed with the Joint Committee on Atomic Energy. As has been my practice, I ask unanimous consent to have these agreements for cooperation printed in full in the RECORD. These agreements for cooperation are, in my own opinion, extremely important since some of them call for the transfer of far larger amounts of special nuclear materials than have been authorized in any agreement for cooperation in the past.

The four agreements are: First, an amendment to the agreement with Netherlands which would provide for the transfer of 500 kilograms of contained U–235; second, an agreement with the Italian Republic which would provide for the transfer of 7,000 kilograms of contained U–235; third, an agreement with France which would provide for the transfer of 2,500 kilograms of contained U–235; and fourth, an agreement with the Republic of Germany which would provide for the transfer of 2,500 kilograms of contained U–235.

I am planning on having a meeting of the Subcommittee on Agreements for Cooperation very shortly on these agreements, together with other agreements, which are expected to come before the Joint Committee in the very near future.

There being no objection, the agreements were ordered to be printed in the RECORD, as follows:

UNITED STATES ATOMIC ENERGY COMMISSION,
Washington, D. C., July 3, 1957.

Hon. CARL T. DURHAM,
Chairman, Joint Committee on Atomic Energy,
Congress of the United States.

DEAR MR. DURHAM: Pursuant to section 123c of the Atomic Energy Act of 1954, as amended, there is submitted with this letter:

1. Three copies of an amendment to the Agreement for Cooperation with the Government of the Netherlands which was signed on June 22, 1956;

2. Three copies of a letter from the Commission to the President recommending approval of the proposed amendment;

3. Three copies of a letter from the President to the Commission approving the amendment, containing his determination that it will promote and will not constitute an unreasonable risk to the common defense; and his authorization to execute the proposed amendment.

The Agreement for Cooperation which the amendment would modify was signed by the Netherlands and the United States on June 22, 1956, and was designed to supersede an earlier Agreement for Cooperation which was signed on July 18, 1955. This earlier agreement provided for the lease of fuel from the Commission to the Government of the Netherlands for use in research reactors. The superseding agreement signed on June 22, 1956, provided for the transfer from the Commission to the Government of the Netherlands of fuel for use in research, experimental, demonstration power, and power reactors exclusively by means of sale. Article I of the proposed amendment would permit the Commission to sell or lease fuel as may be agreed for use in research reactors and sell fuel for use in experimental, demonstration power, and power reactors to the

Government of the Netherlands. The proposed amendment would therefore incorporate into the superseding agreement, signed on June 22, 1956, the provision of the earlier agreement signed on July 18, 1955, permitting lease of fuel for use in research reactors.

Article II of the proposed amendment would save harmless the Government of the United States of America against any and all liability (including third-party liability) arising out of the production of fabrication, the ownership, the lease, and the possession and use of special nuclear materials or fuel elements leased by the Commission to the Government of the Netherlands.

The amendment will enter into force when the two Governments have exchanged written notification that their respective statutory and constitutional requirements have been fulfilled.

Sincerely,

LEWIS L. STRAUSS,
Chairman.

The PRESIDENT,
The White House.

DEAR MR. PRESIDENT: The Atomic Energy Commission recommends that you approve the enclosed proposed "Amendment to Agreement for Cooperation between the Government of the United States of America and the Government of the Netherlands Concerning Civil Uses of Atomic Energy" and authorize its execution.

The amendment has been negotiated by the Atomic Energy Commission and the Department of State pursuant to the Atomic Energy Act of 1954, as amended. The agreement for cooperation which the amendment would modify was signed by the Government of the United States of America and the Government of the Netherlands on June 22, 1956, and was designed to supersede the earlier agreement for cooperation which was signed on July 18, 1955. This earlier agreement provided for the transfer of fuel from the Commission to the Government of the Netherlands for use in research reactors exclusively by means of lease. The superseding agreement signed on June 22, 1956, provided for the transfer from the Commission to the Government of the Netherlands of fuel for use in research, experimental, demonstration power and power reactors exclusively by means of sale. Article I of the proposed amendment would permit the Commission to sell or lease fuel as may be agreed for use in research reactors and sell fuel for use in experimental, demonstration power and power reactors to the Government of the Netherlands. The proposed amendment would therefore incorporate into the superseding agreement, signed on June 26, 1956, the provision of the earlier agreement signed on July 18, 1955, permitting lease of fuel for use in research reactors.

Article II of the proposed amendment would save harmless the Government of the United States of America against any and all liability (including third party liability) arising out of the production or fabrication, the ownership, the lease, and the possession and use of special nuclear materials or fuel elements leased by the Commission to the Government of the Netherlands.

Following your approval and subject to the authorization requested, the agreement will be formally executed by the appropriate authorities of the Government of the Netherlands and the Government of the United States of America and then placed before the Joint Committee on Atomic Energy in compliance with section 123c of the Atomic Energy Act of 1954, as amended.

Respectfully,

LEWIS L. STRAUSS,
Chairman.

Certified as a true copy of the original:
HAROLD D. BEUZELDORF,
Division of International Affairs, United States Atomic Energy Commission.

THE WHITE HOUSE,
Washington, July 2, 1957.

The Honorable LEWIS L. STRAUSS,
Chairman, Atomic Energy Commission.

DEAR MR. STRAUSS: Under date of July 1, you informed me that the Atomic Energy Commission had recommended that I approve the proposed Amendment to Agreement for Cooperation Between the Government of the United States of America and the Government of the Netherlands Concerning Civil Uses of Atomic Energy and authorize its execution.

The recommended amendment has been reviewed. It will permit the Commission to sell or lease fuel as may be agreed for use in research reactors and sell fuel for use in experimental, demonstration power, and power reactors to the Government of the Netherlands. The amendment would thereby incorporate into the Agreement for Cooperation Between the Government of the United States of America and the Government of the Netherlands Concerning Civil Uses of Atomic Energy signed on June 22, 1956, the provision of an earlier Agreement for Cooperation signed on July 18, 1955, which it superseded and which permitted the lease of fuel for use in research reactors.

I note that article II of the proposed amendment would save harmless the Government of the United States against any and all liability (including third party liability) arising out of the production or fabrication, the ownership, the lease, and the possession and use of special nuclear materials or fuel elements leased by the Commission to the Government of the Netherlands.

Pursuant to the provisions of section 123 of the Atomic Energy Act of 1954, as amended, and upon the recommendation of the Atomic Energy Commission, I hereby (1) determine that the performance of the proposed amendment will promote and will not constitute an unreasonable risk to the common defense and security of the United States, (2) approve the proposed Amendment to Agreement for Cooperation Between the Government of the United States of America and the Government of the Netherlands Concerning Civil Uses of Atomic Energy enclosed with your letter of July 1, and (3) authorize the execution of the proposed amendment for the Government of the United States of America by appropriate authorities of the United States Atomic Energy Commission and the Department of State.

Sincerely,

DWIGHT D. EISENHOWER.

Certified to be a true copy of the original.
JOHN P. TREVITHICK,
Division of International Affairs, United States Atomic Energy Commission.

AMENDMENT TO AGREEMENT FOR COOPERATION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE NETHERLANDS CONCERNING CIVIL USES OF ATOMIC ENERGY

The Government of the United States of America and the Government of the Netherlands;

Desiring to amend the Agreement for Cooperation Concerning Civil Uses of Atomic Energy between the Government of the United States of America and the Government of the Netherlands, signed at Washington, June 22, 1956 (hereinafter referred to as the "Agreement for Cooperation");

Have agreed as follows:

ARTICLE I

Article VII of the Agreement for Cooperation is amended to read as follows:

"A. During the period of this agreement, the United States Commission will sell or lease as may be agreed for use in research reactors and sell for use in experimental, demonstration power and power reactors to the Government of the Netherlands uranium enriched in the istopes U–235 in a net amount not to exceed 500 kilograms of contained U–235 in uranium. This net amount shall be the gross quantity of contained U–235 in uranium sold or leased to the Government of the Netherlan"s less the quantity of contained U–235 in recoverable uranium which has been resold or otherwise returned to the United States of America in accordance with this agreement or transferred to any other nation or international organization with the approval of the Government of the United States of America in accordance with this agreement. This material may not be enriched above 20 percent U–235 except as hereinafter provided. Such material will be sold or leased subject to the terms and conditions of this article and the other provisions of this agreement as and when required as initial and replacement fuel in the operation of defined research, and experimental, demonstration power and power reactors which the Government of the Netherlands in consultation with the United States Commission decides to construct or authorize private organizations to construct in the Netherlands and as required in experiments related thereto. The United States Commission may, upon request and in its discretion, make a portion of the foreging 500 kilograms available as material enriched up to 90 percent for use in a materials testing reactor, capable of operating with a fuel load not to exceed 6 kilograms of contained U–235 in uranium.

"B. The quantity of uranium enriched in the isotope U–235 transferred by the United States Commission under this article and in the custody of the Government of the Netherlands shall not at any time be in excess of the amount of material necessary for the full loading of each defined reactor project which the Government of the Netherlands or persons under its jurisdiction decide to construct as provided herein, plus such additional quantity as, in the opinion of the United States Commission, is necessary to permit the efficient and continuous operation of the reactor or reactors while replaced fuel elements are radioactively cooling in the Netherlands or while fuel elements are in transit, it being the intent of the United States Commission to make possible the maximum usefulness of the material so transferred.

"C. Each sale or lease of uranium enriched in the isotope U–235 shall be subject to the agreement of the parties as to the schedule of deliveries, the form of material to be delivered, charges therefor and the amount of material to be delivered consistent with the quantity limitations established in paragraph B. It is understood and agreed that although the Government of the Netherlands will distribute uranium enriched in the isotope U–235 to authorized users in the Netherlands, the Government of the Netherlands will retain title to any uranium enriched in the isotope U–235 which is purchased from the United States Commission at least until such time as private users in the United States of America are permitted to acquire title in the United States of America to uranium enriched in the isotope U–235.

"D. It is agreed that when any source or special nuclear materials received from the United States of America require reprocessing, such reprocessing shall be performed at the discretion of the United States Commission in either United States Commission facilities or facilities acceptable to the United States Commission, on terms and conditions to be later agreed; and it is understood, except as may be otherwise agreed, that the form and content of any irradiated fuel elements shall not be altered after their removal from the reactor and prior to delivery to the United States Commission or the facilities acceptable to the United States Commission for reprocessing.

"E. With respect to any special nuclear material not owned by the Government of the United States of America produced in reactors fueled with materials obtained from the United States of America which are in excess of the need of the Government of the Netherlands for such materials in its program for the peaceful uses of atomic energy, the Government of the United States of America shall have and is hereby granted:

"(a) A first option to purchase such material at prices then prevailing in the United States of America for special nuclear material produced in reactors which are fueled pursuant to the terms of an Agreement for Cooperation with the Government of the United States of America; and

"(b) The right to approve the transfer of such material to any other nation or international organization in the event the option to purchase is not exercised."

ARTICLE II

Article XIV of the Agreement for Cooperation is amended by inserting "A." before the present paragraph thereof and adding the following new paragraph:

"B. With respect to any special nuclear materials or fuel elements which the United States Commission may, pursuant to this agreement, lease to the Government of the Netherlands or to any private individual or private organization under its jurisdiction, the Government of the Netherlands shall indemnify and save harmless the Government of the United States of America against any and all liability (including third party liability) from any cause whatsoever arising out of the production or fabrication, the ownership, the lease, and the possession and use of such special nuclear materials or fuel elements after transfer by the United States Commission to the Government of the Netherlands or to any authorized private individual or private organization under its jurisdiction."

ARTICLE III

This amendment shall enter into force on the date on which each Government shall receive from the other Government written notification that it has complied with all statutory and constitutional requirements for the entry into force of such amendment and shall remain in force for the period of the Agreement for Cooperation.

In witness whereof, the undersigned, duly authorized, have signed this amendment.

Done at Washington, in duplicate, this 3d day of July.

For the Government of the United States of America:

JOHN WESLEY JONES.
LEWIS L. STRAUSS.

For the Government of the Netherlands:
S. G. N. VAN VOORST TOT VOORST.

UNITED STATES
ATOMIC ENERGY COMMISSION,
Washington, D. C., July 3, 1957.

Hon. CARL T. DURHAM,
Chairman, Joint Committee on Atomic Energy, Congress of the United States.

DEAR MR. DURHAM: Pursuant to section 123c of the Atomic Energy Act of 1954, as amended, there is submitted with this letter:

1. Three copies of an agreement for cooperation with the Government of the Italian Republic.

2. Three copies of a letter from the Commission to the President recommending approval of the proposed agreement.

3. Three copies of a letter from the President to the Commission approving the agreement, containing his determination that it will promote and will not constitute an unreasonable risk to the common defense and security; and his authorization to execute the proposed agreement.

The agreement for cooperation submitted with this letter will incorporate and supersede the agreement for cooperation concerning civil uses of atomic energy which was signed on July 28, 1955, between the two Governments, and will remain in force for a period of 20 years. It will broaden the scope of cooperation on matters relating to the development, design, construction, operation, and use of research, experimental power, demonstration power, and power reactors; by providing for cooperation on health and safety problems related to the operation and use of such reactors; and by providing for cooperation on the use of radioactive isotopes and radiation in physical and biological research, medical therapy, agriculture, and industry. No restricted data will be exchanged under the agreement.

Article II of the agreement recognizes that the Government of the Italian Republic has signed the treaty constituting the European community for atomic energy (EURATOM) and, accordingly, provides that the European community may assume the rights and obligations of the Italian Republic under the agreement provided a cooperative arrangement is executed between the community and the Government of the United States of America and provided the community can, in the judgment of the United States, effectively and securely carry out the undertakings of the enclosed agreement for cooperation.

Article VIII of the agreement will permit the Commission to sell or lease, as may be agreed, to the Government of the Italian Republic uranium, enriched up to a maximum of 20 percent in the isotope U–235, except as noted below, in such quantities as may be agreed, for fueling defined reactor projects in the Italian Republic: *Provided, however,* That the net amount of any uranium sold or leased during the period of the agreement does not exceed 7,000 kilograms of contained U–235. The Commission at its discretion may make a portion of the foregoing 7,000 kilograms available as material enriched up to 90 percent for use in a materials testing reactor capable of operating with a fuel load not to exceed 6 kilograms of contained U–235 in uranium. At the present time it is expected that the U–235 to be transferred to the Italian Republic will be employed in two large-scale power reactors and several research reactors. As in the case of sale transactions, the agreement, in the event of lease, would permit the retention by the Government of the Italian Republic of special nuclear materials produced in fuel elements obtained from the United States. The quantity of uranium enriched in the isotope U–235 transferred to the Government of the Italian Republic for use as fuel in reactors will not at any time be in excess of the amount of material necessary to permit the efficient and continuous operation of the reactor or reactors while replaced fuel elements are radioactively cooling in the Italian Republic or while fuel elements are in transit.

Article VI would permit the transfer of limited amounts of special nuclear materials, including U–235, U–233, and plutonium, for defined research projects related to the peaceful uses of atomic energy.

The agreement provides that when any source of special nuclear material received from the United States requires reprocessing, such reprocessing will be performed by the Atomic Energy Commission in either Commission facilities or in facilities acceptable to the Commission. In addition, article X of the agreement incorporates provisions designed to minimize the possibility that material or equipment transferred under the agreement would be diverted to nonpeaceful purposes. In article XII the parties affirm their common interest in the establishment of an international atomic energy agency to foster the peaceful uses of atomic energy and express their intention to reappraise the agreement in the event such an agency is established.

The agreement will enter into force when the two Governments have exchanged written notification that their respective statutory and constitutional requirements have been fulfilled.

Sincerely yours,

LEWIS L. STRAUSS,
Chairman.

UNITED STATES
ATOMIC ENERGY COMMISSION,
Washington, D. C.

The PRESIDENT,
The White House.

DEAR MR. PRESIDENT: The Atomic Energy Commission recommends that you approve the enclosed agreement for cooperation between the Government of the United States of America and the Government of the Italian Republic concerning civil uses of atomic energy and authorize its execution.

The agreement has been negotiated by the Atomic Energy Commission and the Department of State pursuant to the Atomic Energy Act of 1954, as amended, and is, in the opinion of the Commission, an important and desirable step in advancing the development of the peaceful uses of atomic energy in the Italian Republic in accordance with the policy which you have established. The proposed agreement will incorporate and supersede the agreement for cooperation concerning civil uses of atomic energy which was entered into on July 28, 1955, between the 2 governments and will extend for a period of 20 years. The new agreement will broaden the scope of cooperation between the Italian Republic and the United States in fields related to the peaceful utilization of atomic energy by providing for cooperation on matters relating to the development, design, construction, operation, and use of experimental power, demonstration power, and power reactors, as well as research reactors. It is expected that the parties will exchange information in other unclassified areas including health and safety problems related to the operation and use of such reactors; and the use of radioactive isotopes and radiation in physical and biological research, medical therapy, agriculture, and industry.

The Italian Republic, if it desires to do so, may engage United States companies to construct research, experimental power, demonstration power, and power reactors, and private industry in the United States will be able, under the agreement, to provide other assistance to the Italian Republic. The agreement contains all of the guaranties prescribed by the Atomic Energy Act of 1954, as amended. No restricted data would be communicated under the agreement.

Article II of the agreement recognizes that the Government of the Italian Republic has signed the Treaty Constituting the European Community for Atomic Energy (EURATOM) and accordingly provides that the European Community for Atomic Energy may assume the rights and obligations of the Italian Republic under the agreement provided a cooperative arrangement is executed between the European community and the Government of the United States of America and provided the community can, in the judgment of the United States, effectively and securely carry out the undertakings of the enclosed agreement for cooperation.

The agreement will permit the Commission to sell or lease, as may be agreed, to the Government of the Italian Republic uranium enriched up to a maximum of 20 percent in the isotope U–235, except as noted below, in such quantities as may be agreed, for fueling defined reactor projects in the Italian Republic provided, however, that the net amount of any uranium sold or leased during the period of the agreement does not exceed 7,000 kilograms of contained U–235.

At the present time it is expected that the U–235 to be transferred to the Italian Republic will be employed in two large-scale power reactors and several research reactors. The Commission at its discretion may make a portion of the foregoing 7,000 kilograms available as material enriched up to 90 percent for use in a materials-testing reactor capable of operating with a fuel load not to exceed 6 kilograms of contained U–235 in uranium. As in the case of sale transactions, in the event of lease, the agreement would permit the retention by the Government of the Italian Republic of special nuclear materials produced in fuel elements obtained from the United States.

The quantity of uranium enriched in the isotope U–235 transferred to the Government of the Italian Republic for use as fuel in reactors will not at any time be in excess of the amount of material necessary for the full loading of each defined reactor project plus such additional quantity as, in the opinion of the Commission, is necessary to permit the efficient and continuous operation of the reactor or reactors while replaced fuel elements are radioactively cooling or, subject to Commission approval, are being reprocessed in the Italian Republic.

Article VI of the agreement would permit the transfer of limited amounts of special nuclear materials, including U–235, U–233, and plutonium, for defined research projects related to the peaceful uses of atomic energy.

Article VIII provides that when any source or special nuclear material received from the United States requires reprocessing, such reprocessing will be performed either in Commission facilities or in facilities acceptable to the Commission.

Article X of the agreement incorporates several provisions which are designed to minimize the possibility that material or equipment transferred under the agreement will be diverted to nonpeaceful purposes.

In article XII the parties affirm their common interest in the establishment of an international atomic energy agency to foster the peaceful uses of atomic energy and express their intention to reappraise the agreement in the event such an agency is established.

Following your approval and subject to the authorization requested, the agreement will be formally executed by the appropriate authorities of the Government of the Italian Republic and the Government of the United States of America and placed before the Joint Committee on Atomic Energy in compliance with section 123c of the Atomic Energy Act of 1954.

Respectfully,

LEWIS L. STRAUSS,
Chairman.

Certified to be a true copy of the original:

HAROLD D. BENGELSDORF,
Division of International Affairs, United States Atomic Energy Commission.

THE WHITE HOUSE,
Washington, July 2, 1957.

The Honorable LEWIS L. STRAUSS,
Chairman, Atomic Energy Commission.

DEAR MR. STRAUSS: Under date of July 1 the Atomic Energy Commission recommended that I approve a proposed agreement for cooperation between the Government of the United States of America and the Government of the Italian Republic concerning civil uses of atomic energy.

The recommended amendment has been reviewed. It will incorporate and supercede the agreement of cooperation concerning civil uses of atomic energy which was entered into on July 28, 1955, between the two governments and will continue for a period of 20 years. No restricted data will be communicated under the proposed agreement.

The new agreement will broaden the scope of cooperation between the Italian Republic and the United States in fields related to the peaceful utilization of atomic energy by providing for cooperation on matters relating to the development, design, construction, operation, and use of experimental power, demonstration power and power reactors, as well as research reactors. I note that it is planned that the parties will exchange information in other unclassified areas including health and safety problems related to the operation and use of such reactors, and the use of radioactive isotopes and radiation in physical and biological research, medical therapy, agriculture, and industry.

The Italian Republic, if it desires to do so, may engage United States companies to construct research, experimental power, demonstration power, and power reactors, and private industry in the United States will be able, under the agreement, to provide other assistance to the Italian Republic. Article II of the agreement recognizes that the Government of the Italian Republic has signed the treaty constituting the European community for atomic energy (EURATOM) and accordingly, provides that the European Community for Atomic Energy may assume the rights and obligations of the Italian Republic under the agreement provided a cooperative arrangement is executed between the European Community and the Government of the United States of America and provided the Community can, in the judgment of the United States, effectively and securely carry out the undertakings of the enclosed agreement for cooperation.

The agreement will permit the Commission to sell or lease, as may be agreed, to the Government of the Italian Republic uranium enriched up to a maximum of 20 percent in the isotope U–235, except as noted below, in such quantities as may be agreed, for fueling defined reactor projects in the Italian Republic; provided, however, that the net amount of any uranium sold or leased during the period of the agreement does not exceed 7,000 kilograms of contained U–235. I understand that it is expected that the U–235 to be transferred to the Italian Republic will be employed in two power reactors and several research reactors. The Commission, at its discretion, may make a portion of the foregoing 7,000 kilograms available as material enriched up to 90 percent for use in a materials-testing reactor capable of operating whti a fuel load not to exceed 6 kilograms of contained U–235 in uranium. As in the case of sale transactions, in the event of lease, the agreement would permit the retention by the Government of the Italian Republic of special nuclear materials produced in fuel elements obtained from the United States.

The quantity of uranium enriched in the isotope U–235 transferred to the Government of the Italian Republic for use as fuel in reactors will not at any time be in excess of the amount of material necessary for the full loading of each defined reactor project plus such additional quantity as, in the opinion of the Commission, is necessary to permit the efficient and continuous operation of the reactor or reactors while replaced fuel elements are radioactively cooling or, subject to Commission approval, are being reprocessed in the Italian Republic.

Article VI of the agreement would permit the transfer of limited amounts of special nuclear materials, including U–235, U–233, and plutonium, for defined research projects related to the peaceful uses of atomic energy.

I note that article X of the agreement incorporates several provisions which are designed to minimize the possibility that material or equipment transferred under the agreement will be diverted to nonpeaceful purposes. In addition, article VIII provides that when any source or special nuclear material received from the United States requires reprocessing, such reprocessing will be performed by the Atomic Energy Commission in Commission facilities, or in facilities acceptable to the Commission.

In article XII the parties affirm their common interest in the establishment of an international atomic energy agency to foster the peaceful uses of atomic energy and express their intention to reappraise the agreement in the event such an agency is established.

The Commission has expressed its belief that the proposed agreement will be an important and desirable step in advancing the peaceful uses of atomic energy in the Italian Republic and I note that the agreement contains all the guaranties prescribed by the Atomic Energy Act of 1954, as amended.

Pursuant to the provisions of section 123 of the Atomic Energy Act of 1954, as amended, and upon the recommendation of the Atomic Energy Commission, I hereby

(1) Determine that the performance of the proposed agreement will promote and will not constitute an unreasonable risk to the common defense and security of the United States.

(2) Approve the proposed agreement for cooperation between the Government of the United States of America and the Government of the Italian Republic enclosed with your letter of July 1st, and

(3) Authorize the execution of the proposed agreement for the Government of the United States of America by appropriate authorities of the United States Atomic Energy Commission and the Department of State.

Sincerely,

DWIGHT D. EISENHOWER.

Certified to be a true copy of the original.

JOHN P. TREVITHICK,
Division of International Affairs, United States Atomic Energy Commission.

AGREEMENT FOR COOPERATION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE ITALIAN REPUBLIC CONCERNING THE CIVIL USES OF ATOMIC ENERGY

Whereas the Government of the United States of America and the Government of the Italian Republic on July 28, 1955, signed an Agreement for Cooperation Concerning Civil Uses of Atomic Energy; and

Whereas such agreement provides that it is the hope and expectation of the parties that the initial Agreement for Cooperation will extend to considerations of further cooperation extending to the design, construction, and operation of power-producing reactors; and

Whereas the Government of the Italian Republic has advised the Government of the United States of America of its desire to pursue a research and development program looking toward the realization of peaceful and humanitarian uses of atomic energy including the design, construction, and operation of power-producing reactors; and

Whereas the Government of the United States of America desires to cooperate with the Government of the Italian Republic in such a program as hereinafter provided; and

Whereas the parties desire to supersede the Agreement for Cooperation signed on July 28, 1955, with this agreement which includes the new areas of cooperation;

The parties agree as follows:

ARTICLE I

A. The Agreement for Cooperation signed on July 28, 1955, is superseded in its entirety on the day this agreement enters into force.

This agreement shall enter into force on the day on which each Government shall receive from the other Government written notification that it has complied with all statutory and constitutional requirements for the entry into force of such agreement and shall remain in force for a period of twenty (20) years.

ARTICLE II

It is recognized that article 106 of the treaty constituting the European Community for Atomic Energy (EURATOM) which the Government of the Italian Republic signed on March 25, 1957, in Rome, contemplates that member states of the community will seek a renegotiation of existing agreements in the field of atomic energy with third countries once the treaty comes into force. If the treaty comes into force and if a cooperative arrangement is executed between the European Community for Atomic Energy and the Government of the United States of America, the Government of the United States of America would be prepared to arrange for the European Community for Atomic Energy to assume the rights and obligations of the Italian Republic under this agreement provided the European Community for Atomic Energy could, in the judgment of the Government of the United States of America, effectively and securely carry out the undertakings of this agreement.

ARTICLE III

A. Restricted data shall not be communicated under this agreement, and no materials or equipment and devices shall be transferred and no services shall be furnished under this agreement if the transfer of any such materials or equipment and devices or the furnishing of any such service involves the communication of restricted data.

B. Subject to the provisions of this agreement, the availability of personnel and material, and the applicable laws, regulations, and license requirements in force in their respective countries, the parties shall assist each other in the achievement of the use of atomic energy for peaceful purposes.

C. This agreement shall not require the exchange of any information which the parties are not permitted to communicate because the information is privately owned or has been received from another government.

ARTICLE IV

Subject to the provisions of article III unclassified information including information in the specific fields set out below shall be exchanged between the parties with respect to the application of atomic energy to peaceful uses, including research and development relating to such uses, and problems of health and safety connected therewith:

(a) The development, design, construction, operation, and use of research, experimental power, demonstration power, and power reactors.

(b) Health and safety problems related to the operation and use of research, experimental power, demonstration power, and power reactors.

(c) The use of radioactive isotopes and radiation in physical and biological research, medical therapy, agriculture, and industry.

ARTICLE V

The application or use of any information (including design drawings and specifications) and any material, equipment, and devices, exchanged or transferred between the parties under this agreement, shall be the responsibility of the party receiving it, and the other party does not warrant the accuracy or completeness of such information and does not warrant the suitability of such information, materials, equipment, and devices for any particular use or application.

ARTICLE VI

A. Research materials: Materials of interest in connection with defined research projects related to the peaceful uses of atomic energy as provided by article IV and under the limitations set forth in article III, including source materials, special nuclear materials, byproduct materials, other radioisotopes, and stable isotopes will be exchanged for research purposes in such quantities and under such terms and conditions as may be agreed when such materials are not available commercially. In no case, however, shall the quantity of special nuclear materials under the jurisdiction of either party, by reason of transfer under this article, be, at any one time, in excess of 100 grams of contained U–235, 10 grams of plutonium, and 10 grams of U–233.

B. Research facilities: Subject to the provisions of article III, and under such terms and conditions as may be agreed, and to the extent as may be agreed, specialized research facilities and reactor materials testing facilities of the parties shall be made available for mutual use consistent with the limits of space, facilities, and personnel conveniently available, when such facilities are not commercially available.

ARTICLE VII

It is contemplated that, as provided in this article, private individuals and private organizations in either the United States of America or the Italian Republic may deal directly with private individuals and private organizations in the other country. Accordingly, with respect to the subjects of agreed exchange of information as provided in artivle IV, persons under the jurisdiction of either the Government of the United States of America or the Government of the Italian Republic will be permitted to make arrangements to transfer and export materials, including equipment and devices, to and perform services for the other Government and such persons under its jurisdiction as are authorized by the other Government to receive and possess such materials and utilize such services, subject to:

(a) The limitations in article III.

(b) Applicable laws, regulations, and license requirements of the Government of the United States of America and the Government of the Italian Republic.

ARTICLE VIII

A. The Commission will sell or lease, as may be agreed, to the Government of the Italian Republic uranium enriched up to 20 percent in the isotope U–235, except as otherwise provided in paragraph C of this article, in such quantities as may be agreed in accordance with the terms, conditions, and delivery schedules set forth in contracts for fueling defined research, experimental power, demonstration power, and power reactors which the Government of the Italian Republic in consultation with the Commission, decides to construct or authorize private organizations to construct in the Italian Republic and as required in experiments related thereto: *Provided, however,* That the net amount of any uranium sold or leased hereunder during the period of this agreement shall not exceed 7,000 kilograms of contained U–235. This net amount shall be the gross quantity of contained U–235 in uranium sold or leased to the Government of the Italian Republic during the period of this agreement less the quantity of contained U–235 in recoverable uranium which has been resold or otherwise returned to the Government of the United States of America during the period of this agreement or transferred to any other nation or international organization with the approval of the Government of the United States of America.

B. Within the limitations contained in paragraph A of this article, the quantity of uranium enriched in the isotope U–235 transferred by the Commission under this article and in the custody of the Government of the Italian Republic shall not at any time be in excess of the amount of material necessary for the full loading of each defined reactor project which the Government of the Italian Republic or persons under its jurisdiction decide to construct and fuel with United States fuel, as provided herein, plus such additional quantity as, in the opinion of the Commission, is necessary to permit the efficient and continuous operation of such reactor or reactors while replaced fuel elements are radioactively cooling or, subject to the provisions of paragraph E, are being reprocessed in the Italian Republic, it being the intent of the Commission to make possible the maximum usefulness of the material so transferred.

C. The Commission may, upon request and in its discretion, make a portion of the foregoing special nuclear material available as material enriched up to 90 percent for use in a materials testing reactor, capable of operating with a fuel load not to exceed 6 kilograms of contained U–235 in uranium.

D. It is understood and agreed that although the Government of the Italian Republic may distribute uranium enriched in the isotope U–235 to authorized users in the Italian Republic, the Government of the Italian Republic will retain title to any uranium enriched in the isotope U–235 which is purchased from the Commission at least until such time as private users in the United States of America are permitted to acquire title in the United States of America to uranium enriched in the isotope U–235.

E. It is agreed that when any source or special nuclear material received from the United States of America requires reprocessing, such reprocessing shall be performed at the discretion of the Commission in either Commission facilities or facilities acceptable to the Commission, on terms and conditions to be later agreed; and it is understood, except as may be otherwise agreed, that the form and content of any irradiated fuel elements shall not be altered after their removal from the reactor and prior to delivery to the Commission or the facilities acceptable to the Commission for reprocessing.

F. With respect to any special nuclear material not owned by the Government of the United States of America produced in reactors fueled with materials obtained from the United States of America which is in excess of the need of the Italian Republic for such materials in its program for the peaceful uses of atomic energy, the Government of the United States of America shall have and is hereby granted (a) a first option to purchase such material at prices then prevailing in the United States of America for special nuclear material produced in reactors which are fueled pursuant to the terms of an agreement for cooperation with the Government of the United States of America, and (b) the right to approve the transfer of such material to any other nation or international organization in the event the option to purchase is not exercised.

G. Special nuclear material produced in any part of fuel leased hereunder as a result of irradiation processes shall be for the account of the Government of the Republic of Italy and after reprocessing as provided in paragraph E hereof shall be returned to the Government of the Republic of Italy, at which time title to such material shall be transferred to that government, unless the Government of the United States of America shall exercise the option, which is hereby accorded, to retain, with appropriate credit to the Government of the Republic of Italy, any such special nuclear material which is in excess of the needs of the Government of the Republic of Italy for such material in its program for the peaceful uses of atomic energy.

H. Some atomic energy materials which the Government of the Italian Republic may request the Commission to provide in accordance with this agreement are harmful to persons and property unless handled and used carefully. After delivery of such materials to the Government of the Italian Republic, the Government of the Italian Republic shall bear all responsibility, insofar as the Government of the United States of America is concerned, for the safe handling and use of such materials. With respect to

any special nuclear materials or fuel elements which the Commission may, pursuant to this agreement, lease to the Government of the Italian Republic or to any private individual or private organization under its jurisdiction, the Government of the Italian Republic shall indemnify and save harmless the Government of the United States of America against any and all liability (including third party liability) for any cause whatsoever arising out of the production or fabrication, the ownership, the lease, and the possession and use of such special nuclear materials or fuel elements after delivery by the Commission to the Government of the Italian Republic or to any authorized private individual or private organization under its jurisdiction.

ARTICLE IX

As may be necessary and as may be mutually agreed in connection with the subjects of agreed exchange of information as provided in article IV, and under the limitations set forth in article III, and under such terms and conditions as may be mutually agreed, specific arrangements may be made from time to time between the parties for lease, or sale and purchase, of quantities of materials, other than special nuclear material, greater than those required for research, when such materials are not available commercially.

ARTICLE X

A. The Government of the United States of America and the Government of the Italian Republic emphasize their common interest in assuring that any material, equipment, or device made available to the Government of the Italian Republic pursuant to the agreement shall be used solely for civil purposes.

B. Except to the extent that the safeguards provided for in this agreement are supplanted, by agreement of the parties as provided in article XII, by safeguards of the proposed International Atomic Energy Agency, the Government of the United States of America, notwithstanding any other provisions of this agreement, shall have the following rights:

1. With the objective of assuring design and operation for civil purposes and permitting effective application of safeguards, to review the design of any (i) reactor and (ii) other equipment and devices the design of which the Commission determines to be relevant to the effective applicaton of safeguards, which are to be made available to the Government of the Italian Republic or persons under its jurisdiction by the Government of the United States of America or any person under its jurisdiction, or which are to use, fabricate, or process any of the following materials so made available: source material, special nuclear material, moderator material, or other material designated by the Commission.

2. With respect to any source or special nuclear material made available to the Government of the Italian Republic or any person under its jurisdiction by the Government of the United States of America or any person under its jurisdiction and any source or special nuclear material utilized in, recovered from, or produced as a result of the use of any of the following materials, equipment, or device so made available: (i) source material, special nuclear material, moderator material or other material designated by the Commission, (ii) reactors, (iii) any other equipment or device designated by the Commission as an item to be made available on condition that the provision of this subparagraph B 2 will apply, (a) to require the maintenance and production of operating records and to request and receive reports for the purpose of assisting in insuring accountability for such materials; and (b) to require that any such material in the custody of the Government of the Italian Republic or any person under its jurisdiction be subject to all of the safeguards provided for in this article and the guaranties set forth in article XI.

3. To require the deposit in storage facilities designated by the Commission of any of the special nuclear material referred to in subparagraph B 2 of this article which is not currently utilized for civil purposes in the Italian Republic and which is not purchased or retained by the Government of the United States of America pursuant to article VIII of this agreement, transferred pursuant to article VIII, paragraph F (b) of this agreement, or otherwise disposed of pursuant to an arrangement mutually acceptable to the parties.

4. To designate, after consultation with the Government of the Italian Republic, personnel who, accompanied, if either party so requests, by personnel designated by the Government of the Italian Republic, shall have access in the Italian Republic to all places and data necessary to account for the source and special nuclear materials which are subject to subparagraph B 2 of this article to determine whether there is compliance with this agreement and to make such independent measurements as may be deemed necessary.

5. In the event of noncompliance with the provisions of this article, or the guaranties set forth in article XI, and the failure of the Government of the Italian Republic to carry out the provisions of this article within a reasonable time, to suspend or terminate this agreement and require the return of any materials, equipment, and devices referred to in subparagraph B 2 of this article.

6. To consult with the Government of the Italian Republic in the matter of health and safety.

C. The Government of the Italian Republic undertakes to facilitate the application of the safeguards provided for in this article.

ARTICLE XI

The Government of the Italian Republic guarantees that:

(a) Safeguards provided in article X shall be maintained.

(b) No material, including equipment and devices, transferred to the Government of the Italian Republic or authorized persons under its jurisdiction pursuant to this agreement, by lease, sale, or otherwise, will be used for atomic weapons or for research on or development of atomic weapons or for any other military purposes, and that no such material, including equipment and devices, will be transferred to unauthorized persons or beyond the jurisdiction of the Government of the Italian Republic except as the Commission may agree to such transfer to another nation or an international organization and then only if in the opinion of the Commission such transfers falls within the scope of an agreement for cooperation between the United States of America and the other nation or international organization.

ARTICLE XII

The Government of the United States of America and the Government of the Italian Republic affirm their common interest in the establishment of an international atomic energy agency to foster the peaceful uses of atomic energy. In the event such an international agency is created:

(a) The parties will consult with each other to determine in what respects, if any, they desire to modify the provisions of this agreement for cooperation. In particular, the parties will consult with each other to determine in what respects and to what extent they desire to arrange for the administration by the international agency of those conditions, controls, and safeguards including those relating to health and safety standards required by the international agency in connection with similar assistance rendered to a cooperating nation under the aegis of the international agency.

(b) In the event the parties do not reach a mutually satisfactory agreement following the consultation provided for in paragraph (a) of this article, either party may by notification terminate this agreement. In the event this agreement is so terminated, the Government of the Italian Republic shall return to the Commission all source and special nuclear materials received pursuant to this agreement and in its possession or in the possession of persons under its jurisdiction.

ARTICLE XIII

For purposes of this agreement:

(a) "Commission" means the United States Atomic Energy Commission.

(b) "Equipment and devices" and "equipment or device" means any instrument, apparatus, or facility and includes any facility, except an atomic weapon, capable of making use of or producing special nuclear material, and component parts thereof.

(c) "Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, Government agency, or Government corporation, but does not include the parties to this agreement.

(d) "Reactor" means an apparatus, other than an atomic weapon, in which a self-supporting fission chain reaction is maintained by utilizing uranium, plutonium, or thorium, or any combination of uranium, plutonium, or thorium.

(e) "Restricted data" means all data concerning (1) design, manufacture, or utilization of atomic weapons; (2) the production of special nuclear materials; or (3) the use of special nuclear material in the production of energy, but shall not include data declassified or removed from the category of restricted data by the appropriate authority.

(f) "Atomic weapon" means any device utilizing atomic energy, exclusive of the means for transporting or propelling the device (where such means is a separable and divisible part of the device), the principal purpose of which is for use as, or for development of, a weapon, a weapon prototype, or a weapon test device.

(g) "Special nuclear material" means (1) plutonium, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the Commission determines to be special nuclear material; or (2) any material artificially enriched by any of the foregoing.

(h) "Source material" means (1) uranium, thorium, or any other material which is determined by either party to be source material; or (2) ores containing one or more of the foregoing materials, in such concentration as the Government of the Italian Republic or the Commission may determine from time to time.

(i) "Parties" means the Government of the United States of America and the Government of the Italian Republic, including the Commission on behalf of the Government of the United States of America and the National Committee for Nuclear Research on behalf of the Government of the Italian Republic. "Party" means one of the abovementioned parties.

In witness whereof, the parties hereto have caused this agreement to be executed pursuant to duly constituted authority.

Done at Washington, in duplicate, in the English and Italian languages, both texts being equally authentic, this 3rd day of July 1957.

In fede di che le Parti hanno concluso il presente Accordo in buona e dovuta forma in virtù dei poteri debitamente conferiti a tale scopo.

Fatto in Washington, in duplice copia nelle lingue inglese ed italiana, ciascúna facente ugualmente fede, il giorno 3 luglio 1957.

For the Government of the United States of America:

Per il Governo Degli Stati Uniti D'America:
CHRISTIAN A. HERTER.
LEWIS L. STRAUSS.

For the Government of the Italian Republic:

Per il Governo Della Repubblica Italiana:
MANLIO BROSIO.

This is a certified copy of the signed original.

ELEANOR C. McDOWELL,
Treaty Adviser, Department of State.

UNITED STATES
ATOMIC ENERGY COMMISSION,
Washington, D. C., July 3, 1957.

Hon. CARL T. DURHAM,
Chairman, Joint Committee on Atomic Energy,
Congress of the United States.

DEAR MR. DURHAM: Pursuant to section 123c of the Atomic Energy Act of 1954, as amended, there is submitted with this letter:

1. Three copies of an amendment to the Agreement for Cooperation With the Government of the Republic of France which was signed on June 19, 1956.

2. Three copies of a letter from the Commission to the President recommending approval of the amendment.

3. Three copies of a letter from the President to the Commission approving the amendment, containing his determination that it will promote and will not constitute an unreasonable risk to the common defense and security; and his authorization to execute the proposed amendment.

Article I of the amendment recognizes that the Government of the Republic of France has signed the Treaty Constituting the European Community for Atomic Energy (EURATOM) and accordingly provides that the community may assume the rights and obligations of the Republic of France under the agreement which was signed by the parties on June 19, 1956, provided a cooperative arrangement is executed between the European Community and the Government of the United States of America and provided the community can, in the judgment of the United States, effectively and securely carry out the undertakings of the agreement for cooperation.

Article II of the amendment replaces article VIII of the agreement for cooperation which was signed by the 2 Governments on June 19, 1956. As you will note it will permit the Commission to sell or lease, as may be agreed, to the Government of the Republic of France uranium enriched up to a maximum of 20 percent in the isotope U–235, except as noted below, in such quantities as may be agreed, for fueling defined reactor projects in the Republic of France; provided, however, that the net amount of any uranium sold or leased during the period of the agreement does not exceed 2,500 kilograms of contained U–235. The Commission at its discretion may make a portion of the foregoing 2,500 kilograms available as material enriched up to 90 percent for use in a materials-testing reactor capable of operating with a fuel load not to exceed 6 kilograms of contained U–235 in uranium. At the present time it is expected that the U–235 to be transferred to the Republic of France will be employed in several prototype and large-scale power reactors, in a materials-testing reactor and in several research reactors.

As in the case of sale transactions, the agreement, in the event of lease, would permit the retention by the Government of the Republic of France of special nuclear materials produced in fuel elements obtained from the United States. The quantity of uranium enriched in the isotopye U–235 transferred to the Government of the Republic of France for use as fuel in reactors will not at any time be in excess of the amount of material necessary to permit the efficient and continuous operation of the reactor or reactors while replaced fuel elements are radioactively cooling in the Republic of France or while fuel elements are in transit.

The agreement will enter into force when the two governments have exchanged written notification that their respective statutory and constitutional requirements have been fulfilled.

Sincerely yours,

LEWIS L. STRAUSS,
Chairman.

The PRESIDENT,
The White House.

DEAR MR. PRESIDENT: The Atomic Energy Commission recommends that you approve the proposed enclosed amendment to Agreement for Cooperation Between the Government of the United States of America and the Government of the Republic of France Concerning Civil Uses of Atomic Energy and authorize its execution.

The amendment has been negotiated by the Atomic Energy Commission and the Department of State, as amended, and is, in the opinion of the Commission an important and desirable step in advancing the development of the peaceful uses of atomic energy in the Republic of France in accordance with the policy which you have established.

Article I of the amendment recognizes that the Government of the Republic of France has signed the Treaty Constituting the European Community for Atomic Energy (EURATOM) and accordingly provides that the European Community for Atomic Energy may assume the rights and obligations of the Republic of France under the agreement for cooperation provided a cooperative arrangement is executed between the European community and the Government of the United States of America and provided the Community can in the judgment of the United States, effectively and securely carry out the undertakings of the agreement for cooperation which was signed by the parties on June 19, 1956.

As you will recall article VIII of the agreement for cooperation provides that the Commission may transfer to the Government of the Republic of France up to 40 kilograms of uranium enriched in the isotope U–235. These transfers were to be made exclusively on the basis of sale. Article II of the amendment replaces article VIII of the agreement and will permit the Commission to sell or lease, as may be agreed, to the Government of the Republic of France uranium enriched up to a maximum of 20 percent with the isotope U–235, except as noted below, in such quantities as may be agreed, for fueling defined reactor projects in the Republic of France provided; however that the net amount of any uranium sold or leased during the period of the agreement does not exceed 2,500 kilograms of contained U–235. The Commission at its discretion, may make a portion of the foregoing 2,500 kilograms available as material enriched up to 90 percent for use in a materials testing reactor capable of operating with a fuel load not to exceed 6 kilograms of contained U–235 in uranium. As in the case of sale transactions, in the event of lease, the agreement would permit the retention by the Government of the Republic of France of special nuclear materials produced in fuel elements obtained from the United States.

It is expected that the material to be transferred to the Government of the Republic of France will be employed in several prototype and large-scale power reactors, in a materials-testing reactor, and in several research reactors.

The quantity of uranium enriched in the isotope U–235 transferred to the Government of the Republic of France for use as fuel in reactors will not at any time be in excess of the amount of material necessary for the full loading of each defined reactor project plus such additional quantity as, in the opinion of the Commission, is necessary to permit the efficient and continuous operation of the reactor or reactors while replaced fuel elements are radioactively cooling or, subject to Commission approval, are being reprocessed in the Republic of France.

Following your approval and subject to the authorization requested, the amendment will be formally executed by the appropriate authorities of the Government of the Republic of France and the Government of the United States of America and placed before the Joint Committee on Atomic Energy in compliance with section 123c of the Atomic Energy Act of 1954, as amended.

Respectfully,

LEWIS L. STRAUSS,
Chairman.

Certified as a true copy of the original:
HAROLD D. BEUFELSDORF,
Division of International Affairs, United States Atomic Energy Commission.

THE WHITE HOUSE,
Washington, July 2, 1957.

The Honorable LEWIS L. STRAUSS,
Chairman, Atomic Energy Commission.

DEAR MR. STRAUSS: Under date of July 1, 1957, the Atomic Energy Commission recommended that I approve a proposed amendment to agreement for cooperation between the Government of the United States of America and the Republic of France concerning civil uses of atomic energy.

The recommended amendment has been reviewed. It will broaden the scope of cooperation between the Republic of France and the United States in fields related to the peaceful utilization of atomic energy by providing the basis under which an increased amount of U–235 may be transferred to the Government of France for use in defined research, experimental power, demonstration power, and power reactors to be constructed in the Republic of France.

Article I of the amendment recognizes that the Government of the Republic of France has signed the treaty constituting the European Community for Atomic Energy (EURATOM) and accordingly provides that the European Community for Atomic Energy may assume the rights and obligations of the Republic of France under the agreement provided a cooperative arrangement is executed between the European community and the Government of the United States of America and provided the community can in the judgment of the United States, effectively and securely carry out the undertakings of the enclosed agreement for cooperation.

I note that article VIII of the agreement which was signed by the parties on June 19, 1956, provides that the Commission may transfer at any one time to the Government of the Republic of France up to 40 kilograms of contained U–235 in uranium.

These transfers were to be made exclusively on the basis of sale. Article II of the amendment replaces article VIII of the agreement and will permit the Commission to sell or lease, as may be agreed, to the Government of the Republic of France uranium enriched up to a maximum of 20 percent in the isotope U–235, except as noted below, in such quantities as may be agreed, for fueling defined reactor projects in the Republic of France provided, however, that the net amount of any uranium sold or leased during the period of the agreement does not exceed 2,500 kilograms of contained U–235. The Commission at its discretion, may make a portion of the foregoing 2,500 kilograms available as material enriched up to 90 percent for use in a materials-testing reactor capable of operating with a fuel load not to exceed 6 kilograms of contained U–235 in

uranium. As in the case of sale transactions, in the event of lease, the agreement would permit the retention by the Government of the Republic of France of special nuclear materials produced in fuel elements obtained from the United States.

The quantity of uranium enriched in the isotope U–235 transferred to the Government of the Republic of France for use as fuel in reactors will not at any time be in excess of the amount of material necessary for the full loading of each defined reactor project plus such additional quantity as, in the opinion of the Commission, is necessary to permit the efficient and continuous operation of the reactor or reactors while replaced fuel elements are radioactively cooling or, subject to Commission approval, are being reprocessed in the Republic of France.

It is expected that the material to be transferred to the Government of the Republic of France will be employed in several prototype and large-scale power reactors, in a materials-testing reactor, and in several research reactors.

Pursuant to the provisions of section 123 of the Atomic Energy Act of 1954, as amended, and upon the recommendation of the Atomic Energy Commission, I hereby (1) determine that the performance of the proposed amendment will promote and will not constitute an unreasonable risk to the common defense and security of the United States; and (2) approve the proposed amendment to agreement for cooperation between the Government of the United States of America and the Government of the Republic of France concerning civil uses of atomic energy enclosed with your letter of July 1, 1957, and (3) authorize the execution of the proposed amendment for the Government of the United States of America by appropriate authorities of the United States Atomic Energy Commission and the Department of State.

Sincerely,

DWIGHT D. EISENHOWER.

Certified to be a true copy of the original.

JOHN P. TREVITHICK,
Division of International Affairs,
United States Atomic Energy Commission.

AMENDMENT TO AGREEMENT FOR COOPERATION CONCERNING THE CIVIL USES OF ATOMIC ENERGY BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE REPUBLIC OF FRANCE

The Government of the United States of America and the Government of the Republic of France, desiring to broaden in certain respects the Agreement for Cooperation on the Civil Uses of Atomic Energy (hereinafter referred to as the "Agreement for Cooperation") signed between them at Washington on June 19, 1956, have agreed as follows:

ARTICLE I

Article XII B of the Agreement for Cooperation is deleted and the following is substituted in lieu thereof:

"B. It is recognized that Article 106 of the Treaty Constituting the European Community for Atomic Energy (EURATOM) which the Government of the Republic of France signed on March 25, 1957, in Rome, contemplates that member states of the Community will seek a renegotiation of existing agreements in the field of atomic energy with third countries once the treaty comes into force. If the treaty comes into force, and if a cooperative arrangement is executed between the European Community for Atomic Energy and the Government of the United States of America, the Government of the United States of America would be prepared to arrange for the European Community for Atomic Energy to assume the rights and obligations of the Republic of France under this agreement provided the European Community for Atomic Energy could, in the judgment of the Government of the United States of America, effectively and securely carry out the undertakings of this agreement."

ARTICLE II

Article VIII of the Agreement for Cooperation is deleted and the following is substituted in lieu thereof:

"A. The Commission will sell or lease as may be agreed to the Government of the Republic of France uranium enriched up to 20 percent in the isotope U–235, except as otherwise provided in paragraph C of this article, in such quantities as may be agreed in accordance with the terms, conditions, and delivery schedules set forth in contracts for fueling defined research, experimental power, demonstration power, and power reactors which the Government of the Republic of France, in consultation with the Commission, decides to construct or authorize private organizations to construct in the Republic of France and as required in experiments related thereto: *Provided, However,* That the net amount of any uranium sold or leased hereunder during the period of this agreement shall not exceed 2,500 kilograms of contained U–235. This net amount shall be the gross quantity of contained U–235 in uranium sold or leased to the Government of the Republic of France during the period of this agreement less the quantity of contained U–235 in recoverable uranium which has been resold or otherwise returned to the Government of the United States of America during the period of this agreement or transferred to any other nation or international organization with the approval of the Government of the United States of America.

"B. Within the limitations contained in paragraph A of this article, the quantity of uranium enriched in the isotope U–235 transferred by the Commission under this article and in the custody of the Government of the Republic of France shall not at any time be in excess of the amount of material necessary for the full loading of each defined reactor project which the Government of the Republic of France or persons under its jurisdiction decide to construct and fuel with United States fuel, as provided herein, plus such additional quantity as, in the opinion of the Commission, is necessary to permit the efficient and continuous operation of such reactor or reactors while replaced fuel elements are radioactively cooling or, subject to the provisions of paragraph E, are being reprocessed in the Republic of France, it being the intent of the Commission to make possible the maximum usefulness of the material so transferred.

"C. The Commission may, upon request and in its discretion, make a portion of the foregoing special nuclear material available as material enriched up to 90 percent for use in a materials-testing reactor, capable of operating with a fuel load not to exceed 6 kilograms of contained U–235 in uranium.

"D. It is understood and agreed that although the Government of the Republic of France may distribute uranium enriched in the isotope U–235 to authorized users in the Republic of France, the Government of the Republic of France will retain title to any uranium enriched in the isotope U–235 which is purchased from the Commission at least until such time as private users in the United States of America are permitted to acquire title in the United States of America to uranium enriched in the isotope U–235.

"E. It is agreed that when any source or special nuclear material received from the United States of America requires reprocessing, such reprocessing shall be performed at the discretion of the Commission in either Commission facilities or facilities acceptable to the Commission, on terms and conditions to be later agreed; and it is understood, except as may be otherwise agreed, that the form and content of any irradiated fuel elements shall not be altered after their removal from the reactor and prior to delivery to the Commission or the facilities acceptable to the Commission for reprocessing.

"F. With respect to any special nuclear material not owned by the Government of the United States of America produced in reactors fueled with materials obtained from the United States of America which is in excess of the need of the Republic of France for such materials in its program for the peaceful uses of atomic energy, the Government of the United States of America shall have and is hereby granted (a) a first option to purchase such material at prices then prevailing in the United States of America for special nuclear material produced in reactors which are fueled pursuant to the terms of an agreement for cooperation with the Government of the United States of America, and (b) the right to approve the transfer of such material to any other nation or international organization in the event the option to purchase is not exercised.

"G. Special nuclear material produced in any part of fuel leased hereunder as a result of irradiation processes shall be for the account of the Government of the Republic of France and after reprocessing as provided in paragraph E hereof shall be returned to the Government of the Republic of France, at which time title to such material shall be transferred to that Government, unless the Government of the United States of America shall exercise the option, which is hereby accorded, to retain, with appropriate credit to the Government of the Republic of France, any such special nuclear material which is in excess of the needs of the Government of the Republic of France for such material in its program for the peaceful uses of atomic energy.

"H. Some atomic energy materials which the Government of the Republic of France may request the Commission to provide in accordance with this agreement are harmful to persons and property unless handled and used carefully. After delivery of such materials to the Government of the Republic of France, the Government of the Republic of France shall bear all responsibility, insofar as the Government of the United States of America is concerned, for the safe handling and use of such materials. With respect to any special nuclear materials or fuel elements which the Commission may, pursuant to this agreement, lease to the Government of the Republic of France or to any private individual or private organization under its jurisdiction, the Government of the Republic of France shall indemnify and save harmless the Government of the United States of America against any and all liability (including third-party liability) for any cause whatsoever arising out of the production or fabrication, the ownership, the lease, and the possession and use of such special nuclear materials or fuel elements after delivery by the Commission to the Government of the Republic of France or to any authorized private individual or private organization under its jurisdiction."

ARTICLE III

Article X, paragraph A–3, of the agreement for cooperation, is amended by deleting the letter "E" wherever appearing in this paragraph and substituting in lieu of each such deletion the letter "F."

ARTICLE IV

This amendment, which shall be regarded as an integral part of the agreement for cooperation, shall enter into force on the day on which each Government shall receive from the other Government written notification that it has complied with all statutory and constitutional requirements for the entry into force of such amendment.

In witness whereof, the parties hereto have caused this agreement to be executed pursuant to duly constituted authority.

Done at Washington, in duplicate, in the English and French languages, both texts being equally authentic, this 3d day of July 1957.

For the Government of the United States of America:

CHRISTIAN A. HERTER.
LEWIS L. STRAUSS.

For the Government of the Republic of France:

HERVÉ ALPHAND.

This is a certified copy of the signed original.

ELEANOR C. MCDOWELL,
Treaty Adviser, Department of State.

UNITED STATES
ATOMIC ENERGY COMMISSION,
Washington, D. C., July 3, 1957.

Hon. CARL T. DURHAM,
Chairman, Joint Committee on Atomic Energy, Congress of the United States.

DEAR MR. DURHAM: Pursuant to section 123c of the Atomic Energy Act of 1954, as amended, there is submitted with this letter:

1. Three copies of an Agreement for Cooperation with the Government of the Federal Republic of Germany;

2. Three copies of a letter from the Commission to the President recommending approval of the proposed agreement;

3. Three copies of a letter from the President to the Commission approving the agreement, containing his determination that it will promote and will not constitute an unreasonable risk to the common defense and security; and his authorization to execute the proposed agreement.

The Agreement for Cooperation submitted with this letter will incorporate and supersede the Agreement for Cooperation Concerning Civil Uses of Atomic Energy which was signed on February 13, 1956, between the two governments. It will broaden the scope of cooperation between the two countries by providing for cooperation on matters relating to the development, design, construction, operation, and use of research, experimental power, demonstration power and power reactors; by providing for cooperation on health and safety problems related to the operation and use of such reactors; and by providing for cooperation on the use of radioactive isotopes and radiation in physical and biological research, medical therapy, agriculture, and industry. No restricted data will be exchanged under the agreement.

Article II of the agreement recognizes that the Government of the Federal Republic of Germany has signed the Treaty Constituting the European Community for Atomic Energy (EURATOM) and accordingly provides that the European Community for Atomic Energy may assume the rights and obligations of the Federal Republic of Germany under the agreement provided a cooperative arrangement is executed between the European Community and the Government of the United States of America and provided the community can, in the judgment of the United States, effectively and securely carry out the undertakings of the enclosed Agreement for Cooperation.

Article VIII of the agreement will permit the Commission to sell or lease, as may be agreed, to the Government of the Federal Republic of Germany uranium enriched up to a maximum of 20 percent in the isotope U–235, except as noted below, in such quantities as may be agreed, for fueling defined reactor projects in the Federal Republic of Germany: Provided, however, That the net amount of any uranium sold or leased during the period of the agreement does not exceed 2,500 kilograms of contained U–235. The Commission at its discretion may make a portion of the foregoing 2,500 kilograms available as material enriched up to 90 percent for use in a materials testing reactor capable of operating with a fuel load not to exceed six (6) kilograms of contained U–235 in uranium. At the present time it is expected that the U–235 to be transferred to the Federal Republic of Germany will be employed in 2 power demonstration reactors, 1 large-scale power reactor, and several research reactors. As in the case of sale transactions, the agreement, in the event of lease, would permit the retention by the Government of the Federal Republic of Germany of special nuclear materials produced in fuel elements obtained from the United States. The quantity of uranium enriched in the isotope U–235 transferred to the Government of the Federal Republic of Germany for use as fuel in reactors will not at any time be in excess of the amount of material necessary to permit the efficient and continuous operation of the reactor or reactors while replaced fuel elements are radioactively cooling in the Federal Republic of Germany or while fuel elements are in transit.

Article VI would permit the transfer of limited amounts of special nuclear materials, including U–235, U–233 and plutonium, for defined research projects related to the peaceful uses of atomic energy.

The agreement provides that when any source or special nuclear material received from the United States requires reprocessing, such reprocessing will be performed by the Atomic Energy Commission in either Commission facilities, or in facilities acceptable to the Commission. In addition, article X of the agreement incorporates provisions designed to minimize the possibility that material or equipment transferred under the agreement would be diverted to nonpeaceful purposes.

In article XII the parties affirm their common interest in the establishment of an international atomic energy agency to foster the peaceful uses of atomic energy and express their intention to reappraise the agreement in the event such an agency is established.

The agreement will enter into force when the two Governments have exchanged written notification that their respective statutory and constitutional requirements have been fulfilled.

Sincerely yours,

LEWIS L. STRAUSS,
Chairman.

The PRESIDENT,
The White House.

DEAR MR. PRESIDENT: The Atomic Energy Commission recommends that you approve the enclosed agreement for cooperation between the Government of the United States of America and the Government of the Federal Republic of Germany concerning civil uses of atomic energy and authorize its execution.

The agreement has been negotiated by the Atomic Energy Commission and the Department of State pursuant to the Atomic Energy Act of 1954, and is, in the opinion of the Commission, an important and desirable step in advancing the development of the peaceful uses of atomic energy in the Federal Republic of Germany in accordance with the policy which you have established. The proposed agreement will incorporate and supersede the agreement for cooperation concerning civil uses of atomic energy which was entered into on February 13, 1956, between the two Governments. The new agreement will broaden the scope of cooperation between the Federal Republic of Germany and the United States in fields related to the peaceful utilization of atomic energy by providing for cooperation on matters relating to the development, design, construction, operation, and use of experimental power, demonstration power and power reactors, as well as research reactors. It is expected that the parties will exchange information in other unclassified areas including health and safety problems related to the operation and use of such reactors; and the use of radioactive isotopes and radiation in physical and biological research, medical therapy, agriculture, and industry.

The Federal Republic of Germany, if it desires to do so, may engage United States companies to construct research, experimental power, demonstration power, and power reactors; and private industry in the United States will be able, under the agreement, to provide other assistance to the Federal Republic of Germany. The agreement contains all the guaranties prescribed by the Atomic Energy Act of 1954, as amended. No restricted data would be communicated under the agreement.

Article II of the agreement recognizes that the Government of the Federal Republic of Germany has signed the treaty constituting the European Community for Atomic Energy (EURATOM) and accordingly provides that the European Community for Atomic Energy may assume the rights and obligations of the Federal Republic of Germany under the agreement provided a cooperative arrangement is executed between the European community and the Government of the United States of America and provided the community can in the judgment of the United States, effectively and securely carry out the undertakings of the enclosed agreement for cooperation.

The agreement will permit the Commission to sell or lease, as may be agreed, to the Government of the Federal Republic of Germany uranium enriched up to a maximum of 20 percent in the isotope U–235, except as noted below, in such quantities as may be agreed, for fueling defined reactor projects in the Federal Republic of Germany; provided, however, that the net amount of any uranium sold or leased during the period of the agreement does not exceed 2,500 kilograms of contained U–235. At the present time it is expected that the U–235 to be transferred to the Federal Republic of Germany will be employed in 2 power demonstration reactors, 1 large-scale power reactor, and several research reactors. The Commission at its discretion, may make a portion of the foregoing 2,500 kilograms available as material enriched up to 90 percent for use in a materials testing reactor capable of operating with a fuel load not to exceed 6 kilograms of contained U–235 in uranium. As in the case of sale transactions, in the event of lease, the agreement would permit the retention by the Government of the Federal Republic of Germany of special nuclear materials produced in fuel elements obtained from the United States.

The quantity of uranium enriched in the isotope U–235 transferred to the Government of the Federal Republic of Germany for use as fuel in reactors will not at any time be in excess of the amount of material necessary for the full loading of each defined reactor project, plus such additional quantity as, in the opinion of the Commission, is necessary to permit the efficient and continuous operation of the reactor or reactors while replaced fuel elements are radioactively cooling or, subject to Commission approval, are being reprocessed in the Federal Republic of Germany.

Article VI of the agreement would permit the transfer of limited amounts of special nuclear materials, including U–235, U–233 and plutonium, for defined research projects related to the peaceful uses of atomic energy.

Article VIII provides that when any source or special nuclear material received from the United States requires reprocessing, such reprocessing will be performed either in Commission facilities, or in facilities acceptable to the Commission. In addition, article X

of the agreement incorporates several provisions which are designed to minimize the possibility that material or equipment transferred under the agreement will be diverted to non-peaceful purposes.

In article XII the parties affirm their common interest in the establishment of an international atomic energy agency to foster the peaceful uses of atomic energy and express their intention to reappraise the agreement in the event such an agency is established.

Following your approval and subject to the authorization requested, the agreement will be formally executed by the appropriate authorities of the Government of the Federal Republic of Germany and the Government of the United States of America and placed before the Joint Committee on Atomic Energy in compliance with section 123c of the Atomic Energy Act of 1954, as amended.

Respectfully,

LEWIS L. STRAUSS,
Chairman.

Certified as a true copy of the original:

HAROLD D. BENFELDER,
Division of International Affairs,
United States Atomic Energy Commission.

THE WHITE HOUSE,
Washington, July 2, 1957.

The Honorable LEWIS L. STRAUSS,
Chairman, the Atomic Energy Commission, Washington, D. C.

DEAR MR. STRAUSS: Under date of July 1, 1957 the Atomic Energy Commission recommended that I approve a proposed Agreement for Cooperation Between the Government of the United States of America and the Government of the Federal Republic of Germany Concerning Civil Uses of Atomic Energy.

The recommended agreement has been reviewed. It will incorporate and supersede the Agreement of Cooperation Concerning Civil Uses of Atomic Energy which was entered into on Febraury 13, 1956, between the two Governments. No restricted data will be communicated under the proposed Agreement.

The new agreement will broaden the scope of cooperation between the Federal Republic of Germany and the United States in fields related to the peaceful utilization of atomic energy by providing for cooperation on matters relating to the development, design, construction, operation, and use of experimental power, demonstration power, and power reactors, as well as research reactors. I note that it is planned that the Parties will exchange information in other unclassified areas including health and safety problems related to the operation and use of such reactors, and the use of radioactive isotopes and radiation in physical and biological research, medical therapy, agriculture and industry.

The Federal Republic of Germany, if it desires to do so, may engaged United States companies to construct research, experimental power, demonstration power, and power reactors, and private industry in the United States will be able, under the agreement, to provide other assistance to the Federal Republic of Germany.

Article II of the agreement recognizes that the Government of the Federal Republic of Germany has signed the Treaty Constituting the European Community for Atomic Energy (EURATOM) and accordingly provides that the European Community for Atomic Energy may assume the rights and obligations of the Federal Republic of Germany under the agreement provided a cooperative arrangement is executed between the European Community and the Government of the United States of America and provided the Community can in the judgment of the United States, effectively and securely carry out the undertakings of the enclosed agreement for cooperation.

The agreement will permit the Commission to sell or lease, as may be agreed, to the Government of the Federal Republic of Germany uranium enriched up to a maximum of 20 percent in the istope U-235, except as noted below, in such quantities as may be agreed, for fueling defined reactor projects in the Federal Republic of Germany; provided, however, that the net amount of any uranium sold or leased during the period of the agreement does not exceed 2,500 kilograms of contained U-235. I understand that it is expected that the U-235 to be transferred to the Federal Republic of Germany will be employed in 2 power demonstration reactors, 1 large-scale power reactor and several research reactors. The Commission at its discretion, may make a portion of the foregoing 2,500 kilograms available as material enriched up to 90 percent for use in a materials testing reactor capable of operating with a fuel load not to exceed 6 kilograms of contained U-235 in uranium. As in the case of sale transactions, in the event of lease, the agreement would permit the retention by the Government of the Federal Republic of Germany of special nuclear materials produced in fuel elements obtained from the United States.

The quantity of uranium enriched in the isotope U-235 transferred to the Government of the Federal Republic of Germany for use as fuel in reactors will not at any time be in excess of the amount of material necessary for the full loading of each defined reactor project plus such additional quantity as, in the opinion of the Commission, is necessary to permit the efficient and continuous operation of the reactor or reactors while replaced fuel elements are radioactively cooling or, subject to Commission approval, are being reprocessed in the Federal Republic of Germany.

Article VI of the agreement would permit the transfer of limited amounts of special nuclear materials, including U-235, U-233, and plutonium, for defined research projects related to the peaceful uses of atomic energy.

I note that article X of the agreement incorporates several provisions which are designed to minimize the possibility that material or equipment transferred under the agreement will be diverted to nonpeaceful purposes. In addition, article VIII provides that when any source or special nuclear material received from the United States requires reprocessing, such reprocessing will be performed by the Atomic Energy Commission in Commission facilities, or in facilities acceptable to the Commission.

In article XII the parties affirm their common interest in the establishment of an International atomic energy Agency to foster the peaceful uses of atomic energy and express their intention to reappraise the agreement in the event such an Agency is established.

Lastly, the Commission has expressed its belief that the proposed agreement will be an important and desirable step in advancing the peaceful uses of atomic energy in the Federal Republic of Germany and I note that the agreement contains all the guaranties prescribed by the Atomic Energy Act of 1954, as amended.

Pursuant to the provisions of section 123 of the Atomic Energy Act of 1954, as amended, and upon the recommendation of the Atomic Energy Commission, I hereby (1) determine that the performance of the proposed agreement will promote and will not constitute an unreasonable risk to the common defense and security of the United States; and (2) approve the proposed agreement for cooperation between the Government of the United States of America and the Government of the Federal Republic of Germany enclosed with your letter of July 1, 1957; and (3) authorize the execution of the proposed agreement for the Government of the United States of America by appropriate authorities of the United States Atomic Energy Commission and the Department of State.

Sincerely,

DWIGHT D. EISENHOWER.

Certified to be a true copy of the original.

JOHN P. TREVITHICK,
Division of International Affairs,
United States Atomic Energy Commission.

AGREEMENT FOR COOPERATION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY CONCERNING CIVIL USES OF ATOMIC ENERGY

Whereas the Government of the United States of America and the Government of the Federal Republic of Germany, on February 13, 1956, signed an Agreement for Cooperation concerning civil uses of atomic energy; and

Whereas such agreement provides that it is the hope and expectation of the parties that the initial agreement for cooperation will extend to consideration of further cooperation extending to the design, construction, and operation of power-producing reactors; and

Whereas the Government of the Federal Republic of Germany has advised the Government of the United States of America of its desire to pursue a research and development program looking toward the realization of peaceful and humanitarian uses of atomic energy including the design, construction, and operation of power-producing reactors; and

Whereas the Government of the United States of America desires to cooperate with the Government of the Federal Republic of Germany in such a program as hereinafter provided; and

Whereas the parties desire to supersede the Agreement for Cooperation signed on February 13, 1956, as amended, with this agreement which includes the new areas of cooperation:

The parties agree as follows:

ARTICLE I

A. The Agreement for Cooperation signed on February 13, 1956, as amended, is superseded in its entirety on the day this agreement enters into force.

B. This agreement shall enter into force on the day on which each Government shall receive from the other Government written notification that it has complied with all statutory and constitutional requirements for the entry into force of such agreement and shall remain in force for a period of 10 years.

ARTICLE II

It is recognized that article 106 of the Treaty Constituting the European Community for Atomic Energy (EURATOM) which the Government of the Federal Republic of Germany signed in Rome on March 25, 1957, contemplates that member states of the community will seek a renegotiation of existing agreements in the field of atomic energy with third countries once the treaty comes into force. If the treaty comes into force and if a cooperative arrangement is executed between the European Community for Atomic Energy and the Government of the United States of America, the Government of the United States of America would be prepared to arrange for the European Community for Atomic Energy to assume the rights and obligations of the Federal Republic of Germany under this agreement provided the European Community for Atomic Energy could, in the judgment of the Government of the United States of America, effectively and securely carry out the undertakings of this agreement.

ARTICLE III

A. Restricted data shall not be communicated under this agreement, and no materials or equipment and devices shall be transferred, and no services shall be furnished under this agreement, if the transfer of any such materials or equipment and devices or the furnishing of any such service involves the communication of restricted data.

B. Subject to the provisions of this agreement, the availability of personnel and material, and the applicable laws, regulations, and license requirements in force in their respective countries, the parties shall assist each other in the achievement of the use of atomc energy for peaceful purposes.

C. This agreement shall not require the exchange of any information which the parties are not permitted to communicate because the information is privately owned or has been received from another government.

ARTICLE IV

Subject to the provisions of article III, unclassified information including information in the specific fields set out below shall be exchanged between the parties with respect to the application of atomic energy to peaceful uses, including research and development relating to such uses, and problems of health and safety connected therewith:

(a) The development, design, construction, operation, and use of research, demonstration power, experimental power, and power reactors;

(b) Health and safety problems related to the operation and use of research, demonstration power, experimental power, and power reactors;

(c) The use of radioactive isotopes and radiation in physical and biological research, medical therapy, agriculture, and industry.

ARTICLE V

The application or use of any information (including design drawings and specifications) and any material, equipment, and devices, exchanged or transferred between the parties under this agreement, shall be the responsibility of the party receiving it, and the other party does not warrant the accuracy or completeness of such information and does not warrant the suitability of such information, materials, equipment, and devices for any particular use or application.

ARTICLE VI

A. Research materials: Materials of interest in connection with defined research projects related to the peaceful uses of atomic energy as provided by article IV and under the limitations set forth in article III, including source materials, special nuclear materials, byproduct material, other radioisotopes, and stable isotopes will be exchanged for research purposes in such quantities and under such terms and conditions as may be agreed when such materials are not available commercially. In no case, however, shall the quantity of special nuclear materials under the jurisdiction of either party, by reason of transfer under this article, be, at any one time, in excess of 100 grams of contained U–235, 10 grams of plutonium, and 10 grams of U–233.

B. Research facilities: Subject to the provisions of article III, and under such terms and conditions as may be agreed, and to the extent as may be agreed, specialized research facilities and reactor materials testing facilities of the parties shall be made available for mutual use consistent with the limits of space, facilities, and personnel conveniently available, when such facilities are not commercially available.

ARTICLE VII

It is contemplated that, as provided in this article, private individuals and private organizations in either the United States of America or the Federal Republic of Germany may deal directly with private individuals and private organizations in the other country. Accordingly, with respect to the subjects of agreed exchange of information as provided in article IV, persons under the jurisdiction of either the Government of the United States of America or the Government of the Federal Republic of Germany will be permitted to make arrangements to transfer and export materials, including equipment and devices, to and perform services for the other Government and such persons under its jurisdiction as are authorized by the other Government to receive and possess such materials and utilize such services, subject to: (a) The limitation in article III; (b) applicable laws, regulations, and license requirements of the Government of the United States of America and the Government of the Federal Republic of Germany.

ARTICLE VIII

A. The Commission will sell or lease, as may be agreed, to the Government of the Federal Republic of Germany uranium enriched up to 20 percent in the isotope U–235, except as otherwise provided in paragraph C of this article, in such quantities as may be agreed in accordance with the terms, conditions, and delivery schedules set forth in contracts for fueling defined research, experimental power, demonstration power, and power reactors which the Government of the Federal Republic of Germany, in consultation with the Commission, decides to construct or authorize private organizations to construct in the Federal Republic of Germany and as required in experiments related thereto; provided, however, that the net amount of any uranium sold or leased hereunder during the period of this agreement shall not exceed 2,500 kilograms of contained U–235. This net amount shall be the gross quantity of contained U–235 in uranium sold or leased to the Government of the Federal Republic of Germany during the period of this agreement less the quantity of contained U–235 in recoverable uranium which has been resold or otherwise returned to the Government of the United States of America during the period of this agreement or transferred to any other nation or international organization with the approval of the Government of the United States of America.

B. Within the limitations contained in paragraph A of this article, the quantity of uranium enriched in the isotope U–235 transferred by the Commission under this article and in the custody of the Government of the Federal Republic of Germany shall not at any time be in excess of the amount of material necessary for the full loading of each defined reactor project which the Government of the Federal Republic of Germany or persons under its jurisdiction decide to construct and fuel with United States fuel, as provided herein, plus such additional quantity as, in the opinion of the Commission, is necessary to permit the efficient and continuous operation of such reactor or reactors while replaced fuel elements are radioactively cooling or, subject to the provisions of paragraph E, are being reprocessed in the Federal Republic of Germany, it being the intent of the Commission to make possible the maximum usefulness of the material so transferred.

C. The Commission may, upon request and in its discretion, make a portion of the foregoing special nuclear material available as material enriched up to 90 percent for use in a materials-testing reactor, capable of operating with a fuel load not to exceed 6 kilograms of contained U–235 in uranium.

D. It is understood and agreed that although the Government of the Federal Republic of Germany may distribute uranium enriched in the isotope U–235 to authorized users in the Federal Republic of Germany, the Government of the Federal Republic of Germany will retain title to any uranium enriched in the isotope U–235 which is purchased from the Commission at least until such time as private users in the United States of America are permitted to acquire title in the United States of America to uranium enriched in the isotope U–235.

E. It is agreed that when any source or special nuclear material received from the United States of America requires reprocessing, such reprocessing shall be performed at the discretion of the Commission in either Commission facilities or facilities acceptable to the Commission, on terms and conditions to be later agreed; and it is understood, except as may be otherwise agreed, that the form and content of any irradiated fuel elements shall not be altered after their removal from the reactor and prior to delivery to the Commission or the facilities acceptable to the Commission for reprocessing.

F. With respect to any special nuclear material not owned by the Government of the United States of America produced in reactors fueled with materials obtained from the United States of America which is in excess of the need of the Federal Republic of Germany for such materials in its program for the peaceful uses of atomic energy, the Government of the United States of America shall have and is hereby granted (a) a first option to purchase such material at prices then prevailing in the United States of America for special nuclear material produced in reactors which are fueled pursuant to the terms of an agreement for cooperation with the Government of the United States of America, and (b) the right to approve the transfer of such material to any other nation or international organization in the event the option to purchase is not exercised.

G. Special nuclear material produced in any part of fuel leased hereunder as a result of irradiation processes shall be for the account of the Government of the Federal Republic of Germany and after reprocessing as provided in paragraph E hereof shall be returned to the Government of the Federal Republic of Germany, at which time title to such material shall be transferred to that Government, unless the Government of the United States of America shall exercise the option, which is hereby accorded, to retain, with appropriate credit to the Government of the Federal Republic of Germany, any such special nuclear material which is in excess of the needs of the Government of the Federal Republic of Germany for such material in its program for the peaceful uses of atomic energy.

H. Some atomic energy materials which the Government of the Federal Republic of Germany may request the Commission to provide in accordance with this agreement are harmful to persons and property unless handled and used carefully. After delivery of such materials to the Government of the Federal Republic of Germany the Government of the Federal Republic of Germany shall bear all responsibility, insofar as the Government of the United States of America is concerned, for the safe handling and use of such materials. With respect to any special nuclear materials or fuel elements which the Commission may, pursuant to this agreement, lease to the Government of the Federal Republic of Germany or to any private individual or private organization under its jurisdiction, the Government of the Federal Republic of Germany shall indemnify and save harmless the Government of the United States of America against any and all liability (including third party liability) for any cause whatsoever arising out of the production or fabrication, the ownership, the lease, and the possession and use of such special nuclear materials or fuel elements after delivery by the Commission to the Government of the Federal Republic of Germany or to any authorized private in-

dividual or private organization under its jurisdiction.

ARTICLE IX

As may be necessary and as may be mutually agreed in connection with the subjects of agreed exchange of information as provided in article IV, and under the limitations set forth in article III, and under such terms and conditions as may be mutually agreed, specific arrangements may be made from time to time between the parties for lease, or sale and purchase, of quantities of materials, other than special nuclear material, greater than those required for research, when such materials are not available commercially.

ARTICLE X

A. The Government of the United States of America and the Government of the Federal Republic of Germany emphasize their common interest in assuring that any material, equipment, or device made available to the Government of the Federal Republic of Germany pursuant to this agreement shall be used solely for civil purposes.

B. Except to the extent that the safeguards provided for in this agreement are supplanted, by agreement of the parties as provided in article XII, by safeguards of the proposed international atomic-energy agency, the Government of the United States of America, notwithstanding any other provisions of this agreement, shall have the following rights:

1. With the objective of assuring design and operation for civil purposes and permitting effective application of safeguards, to review the design of any (i) reactor and (ii) other equipment and devices the design of which the Commission determines to be relevant to the effective application of safeguards, which are to be made available to the Government of the Federal Republic of Germany or persons under its jurisdiction by the Government of the United States of America or any person under its jurisdiction, or which are to use, fabricate, or process any of the following materials so made available: source material, special nuclear material, moderator material, or other material designated by the Commission;

2. With respect to any source or special nuclear material made available to the Government of the Federal Republic of Germany or any person under its jurisdiction by the Government of the United States of America or any person under its jurisdiction and any source or special nuclear material utilized in, recovered from, or produced as a result of the use of any of the following materials, equipment, or device so made available: (i) Source material, special nuclear material, moderator material, or other material designated by the Commission, (ii) reactors, (iii) any other equipment or device designated by the Commission as an item to be made available on the condition that the provision of this subparagraph B 2 will apply, (a) to require the maintenance and production of operating records and to request and receive reports for the purpose of assisting in insuring accountability for such materials; and (b) to require that any such material in the custody of the Government of the Federal Republic of Germany or any person under its jurisdiction be subject to all of the safeguards provided for in this article and the guaranties set forth in article XI;

3. To require the deposit in storage facilities designated by the Commission of any of the special nuclear material referred to in subparagraph B 2 of this article which is not currently utilized for civil purposes in the Federal Republic of Germany and which is not purchased or retained by the Government of the United States of America pursuant to article VIII of this agreement, transferred pursuant to article VIII, paragraph F (b) of this agreement, or otherwise disposed of pursuant to an arrangement mutually acceptable to the parties;

4. To designate, after consultation with the Government of the Federal Republic of Germany, personnel who, accompanied, if either party so requests, by personnel designated by the Government of the Federal Republic of Germany, shall have access in the Federal Republic of Germany to all places and data necessary to account for the source and special nuclear materials which are subject to subparagraph B 2 of this article to determine whether there is compliance with this agreement and to make such independent measurements as may be deemed necessary;

5. In the event of noncompliance with the provisions of this article, or the guaranties set forth in article XI, and the failure of the Government of the Federal Republic of Germany to carry out the provisions of this article within a reasonable time, to suspend or terminate this agreement and require the return of any materials, equipment, and devices referred to in subparagraph B 2 of this article;

6. To consult with the Government of the Federal Republic of Germany in the matter of health and safety.

C. The Government of the Federal Republic of Germany undertakes to facilitate the application of the safeguards provided for in this article.

ARTICLE XI

The Government of the Federal Republic of Germany guarantees that:

(a) Safeguards provided in article X shall be maintained.

(b) No material, including equipment and devices, transferred to the Government of the Federal Republic of Germany or authorized persons under its jurisdiction pursuant to this agreement, by lease, sale, or otherwise, will be used for atomic weapons or for research on or development of atomic weapons or for any other military purposes, and that no such material, including equipment and devices, will be transferred to unauthorized persons or beyond the jurisdiction of the Government of the Federal Republic of Germany except as the Commission may agree to such transfer to another nation or an international organization, and then only if in the opinion of the Commission such transfer falls within the scope of an agreement for cooperation between the United States of American and the other nation or international organization.

ARTICLE XII

The Government of the United States of America and the Government of the Federal Republic of Germany affirm their common interest in the establishment of an international atomic energy agency to foster the peaceful uses of atomic energy. In the event such an international agency is created:

(a) The parties will consult with each other to determine in what respects, if any, they desire to modify the provisions of this agreement for cooperation. In particular, the parties will consult with each other to determine in what respects and to what extent they desire to arrange for the administration by the international agency of those conditions, controls, and safeguards including those relating to health and safety standards required by the international agency in connection with similar assistance rendered to a cooperating nation under the aegis of the international agency.

(b) In the event the parties do not reach a mutually satisfactory agreement following the consultation provided in paragraph (a) of this article, either party may by notification terminate this agreement. In the event this agreement is so terminated, the Government of the Federal Republic of Germany shall return to the Commission all source and special nuclear materials received pursuant to this agreement and in its possession or in the possession of persons under its jurisdiction.

ARTICLE XIII

For purposes of this agreement:

(a) "Commission" means the United States Atomic Energy Commission.

(b) "Equipment and devices" and "equipment or device" means any instrument, apparatus, or facility and includes any facility, except an atomic weapon, capable of making use of or producing special nuclear material, and component parts thereof.

(c) "Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, government agency, or government corporation but does not include the parties to this agreement.

(d) "Reactor" means an apparatus, other than an atomic weapon, in which a self-supporting fission chain reaction is maintained by utilizing uranium, plutonium, or thorium, or any combination of uranium, plutonium, or thorium.

(e) "Restricted data" means all data concerning (1) design, manufacture, or utilization of atomic weapons; (2) the production of special nuclear materials; or (3) the use of special nuclear material in the production of energy, but shall not include data declassified or removed from the category of restricted data by the appropriate authority.

(f) "Atomic weapon" means any device utilizing atomic energy, exclusive of the means for transporting or propelling the device (where such means is a separable and divisible part of the device), the principal purpose of which is for use as, or for development of, a weapon, a weapon prototype, or a weapon test device.

(g) "Special nuclear material" means (1) plutonium, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the Commission determines to be special nuclear material; or (2) any material artificially enriched by any of the foregoing.

(h) "Source material" means (1) uranium, thorium, or any other material which is determined by either party to be source material; or (2) ores containing one or more of the foregoing materials, in such concentration as either party may determine from time to time.

(i) Parties means the Government of the United States of America and the Government of the Federal Republic of Germany, including the Commission on behalf of the Government of the United States of America. Party means one of the above-mentioned parties.

In witness whereof, the parties hereto have caused this agreement to be executed pursuant to duly constituted authority.

Done at Washington, in duplicate, in the English and German languages, both texts being equally authentic, this 3d day of July 1957.

For the Government of the United States of America:

CHRISTIAN A. HERTER.
LEWIS L. STRAUSS.

For the Government of the Federal Republic of Germany:

HEINZ L. KREKELER.

This is a certified copy of the signed original.

ELEANOR C. McDOWELL,
Treaty Adviser, Department of State.

IMPROVEMENT OF THE NIAGARA RIVER

Mr. JOHNSON OF Texas. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 547, S. 2406, the Niagara River power bill. I wish to make it the pending business.

The PRESIDENT pro tempore. The Secretary will state the bill by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 2406) to authorize the construction of certain works of improvement in the Niagara River for power and other purposes.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. JAVITS subsequently said: Mr. President, some of us could not hear the distinguished Senator from Texas. Do I understand correctly that the pending business is the Niagara power bill?

Mr. JOHNSON of Texas. The Senator is correct. The Niagara power bill is a very important measure. The Committee on Public Works has reported it, and it is now the pending business before the Senate. I might say, in view of certain announcements which I have read in the newspapers, I do not anticipate action will be taken on the bill today, or perhaps for the next few days. But it is the pending business of the Senate until it becomes displaced by motion.

Mr. JAVITS. I may say that the people of the State of New York welcome its being made the pending business.

UNANIMOUS-CONSENT AGREEMENT RELATING TO THE CALL OF THE CALENDAR

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that on the call of the calendar today, pursuant to rule VII, only measures to which there is no objection be considered, beginning with the first bill on the calendar.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. JOHNSON of Texas. Mr. President, I should like to announce that, at the conclusion of the call of the calendar, if we can conclude it before the hour of 2 o'clock, the Senate will proceed to the consideration of Calendar No. 488, S. 1730, to implement a treaty and agreement with the Republic of Panama, and for other purposes.

I have an agreement with the distinguished minority leader and with the distinguished majority whip that if we can conclude the call of the calendar, and if we can consider that bill and conclude it before 2 o'clock, that would be done.

Mr. KNOWLAND. The Senator is correct.

CRITICAL SITUATION IN THE FEDERAL COURTS OF ARKANSAS

Mr. FULBRIGHT. Mr. President, a critical situation is rapidly developing in the Federal courts in Arkansas as a result of procrastination and delay by the Department of Justice in filling a vacant Federal judgeship in the eastern district—1 of a total of 3 Federal judges in the entire State.

More than a year ago Judge Thomas C. Trimble made it known that he planned to step down from the bench giving local court officials and Republican leaders ample notice that plans should be initiated for the appointment of his successor. In January, Judge Trimble announced his formal retirement but agreed to handle a few important cases until his successor was confirmed. When June arrived with the Department of Justice not having submitted a nomination to the Senate, Judge Trimble stepped out entirely and his place is now vacant.

Judge Harry J. Lemley has sought to handle some of the important cases in the eastern district but, unfortunately, he has been busy with his own cases in addition to being handicapped by illness. Furthermore, Chief Judge Archibald K. Gardner of the eighth circuit court of appeals has said that he has no available trial judge to send to Arkansas.

The docket of the Federal court has, as a result, become loaded with a variety of cases all of which are important to the individuals involved and many of which are suits involving the Federal Government. I am informed that there is a backlog of 111 damage suits on file involving a total of $1,870,000, about 40 other civil suits, and more than 20 criminal cases. It has been estimated by an officer of the court that it will take a new judge—if and when he is appointed—2 years to clean up the old cases.

Mr. President, this appointment is the first vacancy on the Federal bench since the present administration took office in 1953. I am not privy to the inner affairs of the Republican Party either in Arkansas or in Washington and cannot report the reasons why a decision has not been made. I do feel, however, that as Senator from the State I should be concerned about the plight of the Federal court. Accordingly, I have written to the Attorney General asking that he act with haste in filling the vacant judgeship.

I ask unanimous consent to have printed in the RECORD immediately following my remarks the text of my letter to the Attorney General and also an editorial and two news articles published in the Arkansas Gazette on this subject.

There being no objection, the letter, editorial, and articles were ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE,
COMMITTEE ON BANKING AND CURRENCY,
July 6, 1957.

The HONORABLE HERBERT BROWNELL, JR.,
The Attorney General, Department of Justice,
Washington, D. C.

DEAR MR. ATTORNEY GENERAL: During the past few weeks there has been increasing concern on the part of members of the Arkansas bar over the backlog of cases accumulating in the Federal district courts in Arkansas. This situation has become so acute that the Arkansas Gazette has stated editorially that it is rapidly become intolerable.

I believe that the Department of Justice must assume full responsibility for the plight of the Federal district court in Arkansas due to the procrastination in filling the vacant Federal judgeship in the eastern district. It has been known for almost a year that Judge Thomas C. Trimble planned to retire, and formal announcement of his retirement was made in January of this year. Judge Trimble continued to serve on a part-time basis, but on June 1 found it necessary to stop handling any cases. Obviously, the two other Federal judges in Arkansas cannot take the full load of work from the eastern district, and the chief judge of the Eighth Circuit Court of Appeals has indicated that he has no available trial judge in the circuit to assign temporarily to Arkansas.

The Eastern District Court is a vital part of my State, including the State capital of Little Rock where there are a number of district and regional offices of Federal agencies. Included in the backlog of 111 damage suits, 40 other civil cases, and more than 20 criminal cases, are several suits involving the Federal Government—income-tax cases, alleged violations of the Fair Labor Standards Act, land condemnation suits, patent infringement suits, and so forth. I am informed that the court has pending claims totaling $1,875,000 in personal injury cases. It goes without saying that delay in the handling of such cases in the Federal courts works a hardship on the individuals involved as well as upon the attorneys who represent them.

As you know, I have made no recommendation regarding the filling of the vacancy on the Federal bench, and I have no candidate to suggest at this time. I do feel, however, that I should urge you in the strongest possible terms to move with utmost speed in recommending to President Eisenhower that he submit the nomination of a qualified person for the Federal judgeship. I should think that you would wish to select an attorney from the eastern district and certainly one who is a member of the Arkansas bar.

It is important that a decision be made promptly if the Senate is to be given an opportunity to act upon a nomination for this vacancy during the present session. Since the vacancy has existed more than 30 days during this Senate session, I am informed that a recess appointee may not be paid from the Treasury. This would mean that the Federal bench in Arkansas would likely continue to be understaffed at least until Congress reconvenes in January 1958. The Department has had ample time to consider this matter, and I do not see how continued delay and procrastination can be justified.

With kind regards, I am,

Yours truly,

J. W. FULBRIGHT.

[From the Arkansas Gazette of June 29, 1957]

THE VACANCY ON THE FEDERAL BENCH

The vacant Federal judgeship in Arkansas is properly a matter of Republican patronage, and no Democrat quarrels with the right of Arkansas' Republican leaders to nominate one of their own for the post.

It is precisely for this reason that the Republican Party must bear the responsibility for what is rapidly becoming an intolerable situation. The local GOP leaders have known for more than a year that Judge Thomas C. Trimble planned to vacate the bench. In January he formally announced his retirement, but agreed to stay on for a few months to handle some of the caseload in the eastern district. On June 1 Judge Trimble stepped out entirely.

Judge Harry J. Lemley, of the western district, has handled some of the more urgent cases, but says he cannot take on any additional load. And Chief Judge Archibald K. Gardner, of the Eighth Circuit Court of Appeals, has said that he has no available trial judge in the circuit to assign temporarily to the district.

The result is that some 111 damage suits, 40 other civil cases, and more than 20 crim-

inal cases have already piled up in the eastern district. In addition a heavy workload of pretrial conferences and the like is going untended. And more cases are being filed every week. One court official estimates that as things now stand it will take Judge Trimble's successor 2 years to clean up the backlog of pending litigation.

Yet the latest word from Washington is that there is no immediate prospect of an appointment. The reason is that the Department of Justice has been, and presumably will continue to be, unwilling to nominate for Presidential consideration any one of the three persons whose names were submitted by the Arkansas Republican patronage committee. In accordance with its standing practice—which is eminently sound—the Department will not act without the approval of the Standing Committee of Federal Judiciary of the American Bar Association. The committee, after extensive investigation, has been unwilling to approve any of the three Republican nominees.

Who the judge shall be—assuming that he is qualified—is, as we say, Republican business. But it is obviously public business that the vacancy be filled without delay. The only answer, apparently, is for the Republicans to expand their list of nominees.

[From the Arkansas Gazette of June 27, 1957]

UNITED STATES JUDGESHIP VACANT—AND IT MAY BE FOR AWHILE

(By Elizabeth Carpenter)

WASHINGTON, June 26.—The Arkansas Federal judgeship for the eastern district—the highest vacancy to occur in the State under the Eisenhower administration—is still wide open after 6 months.

Reliable sources said today that the Department of Justice had received no affirmative reports from the judicial groups asked to investigate the three candidates approved by the Arkansas Republican patronage committee for the $22,500-a-year position.

The three are Osro Cobb, district attorney at Little Rock; Charles F. Cole, of Batesville; and D. Fred Taylor, Jr., of Osceola.

The gist of the reports is that none has the exact legal experience for a trial judge position.

One of the most extensive investigations was made by the Standing Committee of the Federal Judiciary of the American Bar Association. It even dispatched Roy E. Willy, its eighth circuit member from Sioux Falls, S. D., to Little Rock to make an on-the-spot survey.

His visit did not alter the negative report of the committee.

While the Justice Department is not bound to make its appointment on the basis of the bar association's report, the past attitude of Attorney General Herbert Brownell has been to follow the bars' recommendations.

Wallace Townsend, of Little Rock, Republican national committeeman, Cole and Taylor said yesterday they had not heard of any Justice Department decision on the appointment. Cobb said he did not want to discuss the matter.

Townsend said he understood that the bar association had completed its investigation of the candidates but that it had not submitted its report to the Department of Justice.

"I have no reason, up to now, to feel that any of the men we've submitted will be rejected," he added.

"I know nothing whatsoever about it," Cole said.

"I hadn't heard a thing about it," Taylor said. "But any such decision wouldn't come direct to me—it would come through the Republican organization."

Whether the Department has already asked or will soon ask the Arkansas Republican patronage committee to submit new names is not known. But there are indications here that the Department would welcome some.

Already there are other names before the Department, including Richard C. Butler of Little Rock, a Republican, and William R. Penix of Jonesboro, a Democrat.

The Department has not yet asked the ABA committee to make reports on the two though.

Unless the Department decides and President Eisenhower sends a name to Congress before it adjourns, the whole matter will have to wait until January when Congress comes back.

The President can make no interim appointment unless the vacancy occurs within 30 days before Congress adjourns. This post was vacated when Judge Thomas C. Trimble announced his retirement last January, although he remained on until June 1, hoping some appointment would be made.

From all appearances, Arkansas will be without a judge for a long time.

[From the Arkansas Gazette of June 23, 1957]

TRIMBLE'S REPLACEMENT TO FACE LOADED DOCKET IN FEDERAL DISTRICT COURT

The new Federal judge for the eastern district of Arkansas will have his work cut out for him.

A check at the Federal district clerk's office at Little Rock yesterday revealed that:

There are 111 damage suits on file involving a total of more than $1,875,000, about 40 other civil suits pending in the district's Jonesboro division, and more than 20 criminal cases in the eastern district at Little Rock which haven't been disposed of.

A spokesman at the clerk's office pointed out that some of the civil suits would be settled out of Federal district court—but the settlements still will require the judge's approval. Many cases have reached the stage where they're ready to be heard in court.

But they'll have to wait for trial until a new judge—the replacement for Judge Thomas C. Trimble of Lonoke, who retired June 1—takes over.

The new judge not only will have to take care of the 111 cases on file now but he also will have jurisdiction in additional cases which will have piled up by the time he is appointed.

The clerk's office said seven new cases had been filed so far this month.

TWO-YEAR TASK SEEN

"It may take the judge a couple of years to clean out the backlog of old cases," a spokesman said. "And he'll also have quite a time of it at Jonesboro, because we haven't held court there in quite a while."

A few of the civil cases on the books are old ones which have been argued back and forth several years and are now in need of pretrial conferences or judicial rulings on motions, requests, or points of law.

The list includes several suits against the Government asking for recovery of income taxes, plus assorted actions involving alleged violations of the Fair Labor Standards Act, about 15 land condemnation suits, 2 patent infringement suits, and several personal injury suits.

Most of the $1,875,000 in damage claims resulted from personal injury complaints—suits filed in connection with accidents of one kind or another. Several plaintiffs are suing for $100,000 or more.

CRIMINAL CASES INVOLVED

Many of the criminal cases are not, for one reason or another, ready for trial yet. In a few, defendants are undergoing mental examinations. Medical opinions must be submitted before the court can act. In others, defendants are in jail elsewhere on other charges and will have to complete sentences before they can be brought to Little Rock to face complaints, information, or indictments filed against them in the eastern district of Arkansas. Some of the defendants have not been apprehended.

The list of criminal cases on file includes 10 of alleged unlawful interstate transportation of stolen cars, 3 cases of interstate transportation of forged checks, 2 of mail theft cases, 2 income-tax evasion cases and single cases of liquor law violation, forgery and uttering of Government checks, post-office burglary, filing a false change of address card, and fraud.

LEMLEY UNDER HANDICAP

Federal Judge Harry J. Lemley of Hope, chief judge for the western district of Arkansas, is assigned to hear one-third of the civil cases and one-fourth of the criminal cases in the eastern district. But he is ill and, although he is handling his share of eastern district matters plus the caseload in his own district, he probably won't be able to take on for some time any of the additional work that has piled up.

It has been reported that Judge Trimble asked Chief Judge Archibald K. Gardner, of the Eighth Circuit Court of Appeals at St. Louis to assign a judge to help ease the case burden in the eastern district. But Judge Gardner reportedly said he didn't have anyone available.

Wallace Townsend, of Little Rock, Republican National Committee member, said yesterday that he heard nothing from Washington about the selection of Judge Trimble's replacement.

"The last I heard was that Washington was busy selecting a new Supreme Court Justice and didn't have the time to devote to filling district court vacancies," Townsend said.

United States District Attorney Osro Cobb, of Little Rock and attorneys Charles F. Cole, of Batesville, and D. Fred Taylor, Jr., of Osceola, have been recommended for the job by the State GOP patronage committee.

Cobb appears to have the inside track because of his many years of service to the Republican Party (he formerly was the GOP State committee chairman) and his record as district attorney. But indications are that he may have opposition from somewhere within the GOP ranks.

The Department of Justice will make recommendations for Judge Trimble's replacement to President Eisenhower, who may reject any of the candidates. His choice would be subject to confirmation by the Senate.

The FBI must investigate the background of the candidates. The judicial selection committee of the American Bar Association also has a voice in the selection. Both the FBI and the association apparently have completed their work.

Another question the new judge must answer is whether United States District Clerk Grady Miller, a Democrat, and his staff and the court probation officers will keep their jobs.

CIVIL RIGHTS—COMMENT BY ARTHUR KROCK

Mr. FULBRIGHT. Mr. President, Mr. Arthur Krock, one of the wisest and ablest of the observers of our governmental problems, has once again written one of the most penetrating analyses of a very difficult problem. His comments on the speech by the distinguished senior Senator from Georgia [Mr. RUSSELL] should be read by every citizen who is interested in good government.

No problem is more difficult to consider objectively and dispassionately than that of civil rights. Mr. Krock manages to do that effectively.

I ask unanimous consent to have printed at this point in the RECORD Mr.

Krock's article, entitled "A Fitting Fourth of July Issue," published in the New York Times of July 5, 1957.

A FITTING FOURTH OF JULY ISSUE

(By Arthur Krock)

WASHINGTON, July 4.—The administration's civil-rights bill that the House has passed and is before the Senate, has now been analyzed by Senator RUSSELL with the seriousness and in the detail that the subject deserves. It is characteristic of the President that he was impressed by the potentialities the Senator found in the measure which the President and the public have been led to think of solely as an instrument to prevent infringement of the voting rights of Negroes in the South.

It can achieve that purpose by the authority it gives the Attorney General to seek, and the Federal courts to grant, injunctions against persons who have "engaged in or [it can be asserted to the court on mere suspicion] are about to engage in" activities to keep Negroes from the polls, with penalty of jail sentences for contempt of court after trial without jury. And these persons can be held in jail until the sentencing Federal judge decides they have purged themselves of the contempt finding. For, though the actions will be brought under the civil, as contrasted with the criminal, code, a prison is a prison.

But section 4 of the administration bill, which is concerned with assuring the right to vote, was drafted minus a link with item 1993 of title 42 of the United States Code, whereby the President is authorized to use the Armed Forces and the militia "to aid in the execution of judicial process" (contempt growing out of injunctions, etc.). On the other hand, this link with title 42 is carefully forged in section 3, which can be used to enforce Supreme Court decisions ordering racial integration in schools, recreation, and amusement centers, and so on.

Commenting on this aspect of the bill, Senator RUSSELL said it affords "a measure of the true importance of the voting right clause, as compared to the power sought to integrate the schools and [otherwise] destroy the separate system of the races on which the social order of the Southern States is built."

"Who can doubt * * * [he inquired] that some Attorney General, yielding to the demands of such organizations as the NAACP and the ADD * * * would move into the South to compel the communities to integrate. * * * [And] this Attorney General could invoke the use of the military and naval forces of the United States to subdue, suppress, arrest, and jail every person who * * * protested and resisted the commingling of races, on the grounds that [such persons] were guilty of conspiracy."

STRESSED FOR THE FIRST TIME

The overwhelming probability that this would never be done by the present administration does not remove Senator RUSSELL's contention that it could be done under the authority of the bill now before the Senate. Either this point had been omitted as without merit in the analysis of the measure that was made for the President, or it had been dismissed as a mere legal technicality; and hence, not until Senator RUSSELL stressed the contrast between the drafting of section 4 and section 3, did the President realize that anyone of the Senator's stature had found it valid.

That would be understandable in one who is not a lawyer, or in a lawyer who had not closely analyzed the bill. And as far as the public is concerned, the voting rights section has been represented as the primary purpose of the bill. Senator HENNINGS, an advocate, did concede to Senator ERVIN in debate that under certain conditions section 3 could empower the Attorney General to bring suits at the expense of the taxpayers to compel the integration of schools. And W. S. White has reported this fact more than once in our Washington correspondence. But the Armed Forces potential in the special draftsmanship of the legislation received its first stress from Senator RUSSELL.

It is, of course, only one lawyer's interpretation, and other lawyers can be expected to dispute it. Attorney General Brownell may be among them. And if he assures the President that the Russell analysis has no substance, the President presumably will accept that, as he has accepted the provision that denies jury trials to those charged with contempt by Federal courts in the area of activity covered by the bill.

But if the administration reply to RUSSELL is that, while the measure could be enforced by the military, this regime will never do it, that will pose an issue which merits the serious attention of a people who today are observing an anniversary of the great proclamation of evenhanded civil liberty for them all. For that reply would assert the philosophy of government by men and not by laws, and, said Jefferson: "In questions of power, let no more be said of confidence in men."

ALGERIA

Mr. KENNEDY. Mr. President, I wish to reply briefly to the criticisms of my recent speech on Algeria delivered yesterday by the French Minister for Algeria, Robert LaCoste, and by others who have joined in that new criticism. I might say at the outset that I was fully aware, when preparing my speech of last Tuesday, of the disfavor with which it would be regarded by our Department of State, the French Government, and others; but I felt nevertheless that the facts set forth by me needed to be stated fully and frankly.

The reaction to my remarks both at home and abroad has further strengthened my conviction that the situation in Algeria is drifting dangerously, with the French authorities reluctant to seek a fresh approach, and our American authorities refusing to recognize the grave international implications of this impasse. No amount of hopeful assertions that France will handle the problem alone, no amount of cautious warnings that these are matters best left unmentioned in public, and no amount of charges against the motives or methods of those of us seeking a peaceful solution can obscure the fact that the Algerians will someday be free. Then, to whom will they turn—to the West, which has seemingly ignored their plea for independence; to the Americans, whom they may feel have rejected the issue as none of our affair while at the same time furnishing arms that help crush them; or to Moscow, to Cairo, to Peiping, the pretended champions of nationalism and independence?

And who, by that time, will be leading the Algerians—the moderates with a prowestern orientation with whom negotiations might still be conducted now, or the extremists, terrorists, and outside provocateurs who inevitably capture such a movement as the conflict drags on? Finally, what will such a settlement in Algeria at some distant date mean to France then? Will it not mean the loss of all her economic, political, and cultural ties in north Africa which could still be salvaged in a settlement today? Will it not mean that France will have suffered a weakened economy, a decimated army and a series of unstable governments only to learn once again—as she learned too late in Indochina, Tunisia, and Morocco—that man's desire to be free and independent is the most powerful force in the world today?

Of course Algeria is a complicated problem. Of course, we should not assume full responsibility for that problem's solution in France's stead. And, of course, the Soviet Union is guilty of far worse examples of imperialism. But we cannot long ignore as being none of our business, or as a French internal problem, a struggle for independence that has been and will be a major issue before the U. N., that has denuded NATO of its armies, drained the resources of our French allies, threatened the continuation of western influence and bases in north Africa and bitterly split the Free World we claim to be leading.

The Algerian situation is a deadly time bomb steadily ticking toward the day when another disaster to the Free World—worse than Indochina—might explode.

When the roll is called on Algeria this fall in the United Nations, as it must inevitably, we in this Nation will be forced to face this issue publicly. If no reasonable proposal for settlement has by then been put forward by the French and encouraged by the West, will we be able to say to the General Assembly in all sincerity that progress has been made? Will we again vote against the anticolonial bloc that controls the world balance of power? Or will we finally take back from the Soviets the leadership that is rightfully ours of the worldwide movement for freedom and independence?

I repeat my opening observations of last Tuesday: We dare not overlook, in our concern over legal and diplomatic niceties, the powerful force of man's eternal desire to be free and independent. The worldwide struggle against imperialism, the sweep of nationalism, is the most potent factor in foreign affairs today. We can resist it or ignore it, but only for a little while; we can see it exploited by the Soviets, with grave consequences; or we in this country can give it hope and leadership, and thus improve immeasurably our standing and our security.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. HUMPHREY. I was unable to be present in the Senate at the time the distinguished Senator from Massachusetts made his original statement on Algeria. However, I have read it and have discussed it privately with the Senator from Massachusetts. I feel he has performed a service to the cause of American foreign policy, of human freedom, and national independence for peoples who long for it and are looking forward to that eventful day.

The fact that the Senator from Massachusetts has received criticism from some quarters is indicative of the qual-

ity, soundness, and persuasiveness of his remarks. I am happy to associate myself with the endeavors of the Senator from Massachusetts. The people of France can find no better friends than the United States Senate or the United States of America. We admire and respect our faithful and trusted friend and ally, the Republic of France. Our views are expressed not as anti-French, but as a recognition of what is taking place in the 20th century. It is to the benefit of the people of France and to the free peoples everywhere that there be free and open discussion of these delicate and complex issues of foreign policy. We seek to cooperate not dominate. In the spirit of friendship to France we seek to advise not chastise. However, Americans and Frenchmen alike, both believing in liberty, equality, and fraternity, cannot honorably and logically deny or resist the legitimate aspiration of people for self-determination, freedom, and independence.

Mr. KENNEDY. I thank the Senator from Minnesota. He knows from his experience in the United Nations, when we adopted the Hungarian resolution, we sought power to condemn Soviet imperialism. What will be the decision of the United States when a resolution relating to Algerian independence is put forward, as it inevitably will be? We cannot vote "yea" in one instance and abstain from voting "yea" in another.

BASEBALL AND THE ANTITRUST LAWS

Mr. ALLOTT. Mr. President, on July 3, 1957, I placed in the CONGRESSIONAL RECORD a report prepared at my request by the Legislative Reference Service of the Library of Congress on Baseball and the Antitrust Laws. In view of the newspaper accounts, I wish to make it clear that the Library, following its usual practice, took no position and made no recommendations of its own, but developed and amplified a case in accordance with my specific request. The report was responsive to my request to draft a study looking toward a flexible and reasonable application of the antitrust laws to baseball and other professional team sports, so as to preserve the games as we know them, while at the same time protecting the rights of players and the public.

I do not want the Legislative Reference Service of the Library of Congress to be placed in a position of embarassment by erroneous headlines. Therefore, I have made this statement for the RECORD today.

CONTROL AND REDUCTION OF ARMAMENTS—PREFACE TO STAFF STUDY NO. 9

Mr. HUMPHREY. Mr. President, I ask unanimous consent to have printed in the body of the RECORD a preface to Staff Study No. 9, of the Subcommittee on Disarmament, of the Committee on Foreign Relations, on the subject Disarmament and Security in Eastern and Southern Asia. The preface was written by me, as chairman of the subcommittee. The preface does not necessarily reflect the views of any other member or of a majority of the members of the Senate subcommittee. I also note for the RECORD that individual members of the subcommittee do not necessarily subscribe to the views of the staff study. We do feel, however, that these studies make a distinct contribution to the understanding and knowledge of the subject of the control and reduction of armaments.

There being no objection, the preface was ordered to be printed in the RECORD, as follows:

PREFACE

(By HUBERT H. HUMPHREY, chairman)

The security of the free nations of eastern and southern Asia rests upon many factors—economic, political, and military. In every one of these categories concrete steps toward disarmament can have a salutary impact. Many of the Asian States, because of the possibility of Communist aggression, must maintain military and police forces which constitute a heavy burden upon their near subsistence economies. Thus, any headway that can be made toward lifting the weigth of Asian armed forces and armaments can free resources for strengthening the material foundations of their liberty and independence. Steps toward disarmament can also lighten the heavy economic burdens of the people of the United States and other countries and enable them to channel more of their energies into constructive measures for peace.

Many of the Asian peoples are at a political crossroads, hoping that the atomic age will bring them peace and plenty, rather than misery and destruction. Thus, as pointed out in this study, they have a deep dread of the further development of atomic explosives, a dread that has been intensified by the holding of nuclear tests in regions relatively close—Siberia and the Pacific Ocean. Any initiative by the United States that can ameliorate this dread should make a profound impression on the Asian people. While promoting throughout the world the peaceful uses of atomic energy, we should strenuously endeavor to prevent the spread of nuclear-weapon capability to nations not now possessing it, for this would multiply manifold the chances of an outbreak of a nuclear war. The three present nuclear powers—the United States, the Soviet Union, and Great Britain—cannot expect, however, other nations to deny themselves the military instruments of an atomic age unless they themselves are willing to curb their own development and testing of nuclear explosives. The benefits that all nations, both great and small, would derive from a general limitation on nuclear arms development would be so farreaching that no nation can now afford to ignore the possibility of such an agreement.

Unsolved political problems are also contributing causes of the arms burdens sustained by both the Communist and the non-Communist states in Asia. The problem of Communist China, after being stalled on dead center for half a dozen years, is now approaching a decisive juncture. The issue of political prisoners, on which negotiations between the United States and Red China have been deadlocked for many months at Geneva, is slowly melting away as the prisoners are gradually released. At this time six are still being held. Surely the rulers in Peiping should realize that release of those imprisoned would help to lessen tensions in the area. The release of these Americans should open the gate to negotiations on other differences, the resolution of which would help dissipate ill-afforded arms burdens now weighing upon Red China, the nations of south and southeastern Asia, as well as other countries.

New forces are astir on the Chinese mainland that indicate the political situation may be evolving toward greater independence of action and less adherence to Soviet domination. While I do not think these developments should be exaggerated, nevertheless in my estimation the time has come to take a fresh look at our policy toward Peiping.

We should certainly encourage American newsmen to visit Red China, in order to report what is happening in that country, and to enable news about the United States to penetrate through the bamboo curtain to the Chinese people. We should consider modifying other barriers, such as the trade embargo, which force China into ever closer relations with the Soviet bloc. Finally, it is essential that Communist China be brought into any disarmament system at an early stage. As long as there are no armament controls on Communist China, that country will be free to continue to strengthen its large military machine. Moreover, until Communist China is included in a disarmament system, it will provide a loophole which the Soviet Union might use to violate obligations undertaken as a result of a disarmament agreement.

Another urgent question in eastern Asia today, as indicated in this study, is that of Korea. Here is another example where the lack of a political settlement results in the maintenance of large armies, separated only by a narrow demilitarized zone. The armistice negotiated in 1953 has become extremely tenuous because violations by the Communists have necessitated the suspension of key provisions on arms control. Only recently the United Nations Command announced that, in view of the reinforcement of North Korean forces, modern weapons would be sent to the United Nations forces in South Korea.

The danger of an arms competition between North and South Korea has convinced me that we should now take a further step. Before the armistice agreement breaks down entirely, we should amend the agreement to make it conform with the latest trends in United Nations disarmament negotiations. The United Nations Command should be authorized to offer to negotiate with the Communist command new military arrangements providing for a thinning out of armed forces and armaments on both sides of the armistice lines, and for effective mutual inspection. This study gives ample evidence that the past inspection system in Korea has been woefully inadequate. However, with mutual aerial and ground inspection of the type that both the United States and the Soviet Union have already accepted in principle, we would know whether a new limitation on armaments was being observed. Such an agreement would ameliorate a dangerous situation in Korea and perhaps pave the way for a political settlement. It would also provide an excellent pilot area for mutual air and ground inspection. Such a pilot project might also be applied to Vietnam, which may work to facilitate a political settlement of problems afflicting that divided nation.

It is my belief that Staff Study No. 9 on Disarmament and Security in eastern and southern Asia is a valuable aid in understanding the complex problems of disarmament and security. It was prepared by Ellen C. Collier and Charles Gellner, on assignment to the subcommittee staff by the Legislative Reference Service of the Library of Congress. It does not necessarily reflect the views of the Disarmament Subcommittee or any of its members.

EFFECTS OF THE TIGHT MONEY POLICY

Mr. HUMPHREY. Mr. President, in the June 22 issue Business Week magazine, there appeared a very interesting article on tight money. In the article it

is stated that most market authorities see the worst to come, and many Wall Street men fear a blowoff ahead.

The last two paragraphs are particularly of interest:

Many Wall Street men feel that whether or not the Federal moves (to boost the discount rate), the money market is headed for a climatic blowoff. As they see it, the Treasury will be forced to pay a great deal more than current rates for the cash it needs, and this will not only mean higher rates all around but will cut down on the amount available to the rest of the market. The result could make the squeeze so tight it would precipitate the kind of crisis that existed in early June 1953, when borrowers were unable to get funds at any price. If that happened, the Federal certainly would have to relax its tight money policy—and might be forced to swing toward easier money.

The Federal says it would like to avoid any severe trouble in the market. But observers point out that the market is already undergoing a lot of stress and strain. "It will only take a little more pressure," says one underwriter, "to bring on real troubles."

I ask unanimous consent, Mr. President, that this article from Business Week be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MONEY GETS NEW ARM TWISTING

The squeeze on money approached a climax this week as the cost of borrowing jumped perpendicularly all along the line.

All sectors of the money market felt the pinch. And though there was a general expectation that this week's squeeze would temporarily ease somewhat for technical reasons, market authorities were almost unanimous in predicting that the worst was yet to come.

This is because the Nation's monetary managers in Washington are intent on maintaining their restrictive credit policy. In a statement before Congress, Federal Reserve Board Chairman William McC. Martin made clear this week that economic conditions do not call for relaxation in efforts to curb inflationary pressures.

Martin's statement was consistent with current Federal policy. Last week, for example, the Nation's banks were forced into debt with the Federal to the tune of $570 million, up $124 million from the previous week. But the Federal made no attempt to ease pressure, although clearly the banks were being faced with an upsurge of demand from corporations borrowing to pay taxes.

These indications of the Federal's aggressive attitude—coming at a time of heavy tax borrowing—convinced the market that though conditions might show some slight improvement once the tax date passed, the squeeze itself would get worse.

In fact, the market was not only concerned about the high cost of money, but even its availability.

EVERYBODY CAUGHT

There was no doubt this week about the trend to higher rates. Borrowers of all kinds, public and private, short term and long term, were caught by the squeeze:

The United States Treasury paid 3.4 percent on its weekly issue of 91-day bills, the highest yield since the bank holiday of 1933.

The major finance companies upped their rates on borrowings for the second time in less than a week—to 3⅜ percent for 5- to 29-day paper, 4 percent for 6-month money. Commercial paper dealers also raised their rates, with the result that big corporate borrowers will have to pay 3⅞ percent for 4- to 6-month money, while smaller firms will pay 4¼ percent.

In the long-term market, Southern Bell Telephone & Telegraph Co., a top-rated utility that sold a $60 million issue at 3.9 percent last October, this week borrowed $70 million at 4.9 percent, the highest it has had to pay since 1929. Moreover, it had to sweeten its offering by agreeing not to refund any of the issue for 5 years.

Companies that did not command best terms paid even higher costs and had to swallow stiffer terms. For example, Michigan Consolidated Gas Co. this week paid 6.1 percent on an offering of $30 million first-mortgage bonds. In November 1955, it had paid slightly less than 3.4 percent.

PULLING BACK

Faced with these conditions, some companies changed their plans for borrowing. Last week, New York Central Railroad decided against paying the rates demanded by underwriters for a public offering, and sought to make a private placement. This week, Public Service Electric & Gas Co. postponed an offering of $25 million in preferred stock because of "unsettled conditions," and Associates Investment Co. drew back a $20 million debenture issue due to "the disorganized condition of the market." Kerr-McGee Oil Industries, Inc., delayed a public offering while it sweetened the terms.

STABILIZATION HOPE

According to some market experts, the new high level of rates represents an attempt to achieve a supply-demand equilibrium in the interest rate structure. As one underwriter put it, "We've now reached a point where rates are realistic enough to tempt investors."

The United States Government securities market is also undergoing a full-scale adjustment. Normally, interest rates on governments are about one-half of 1 percent below the top corporate issues. But as the yields on corporates rose this spring, the margin widened. However, in the past 2 weeks, prices of governments have declined sharply, in many cases reaching record lows. For example, the famous "Humphrey-Dumpty" 3¼-percent bonds selling below 94 now yield almost 3¾ percent.

The Federal Reserve hopes that the broad adjustment in rates carried through this week will stabilize the market. But Federal officials admit that they are not sure. The fact is that the Treasury will be in the market, both for new cash and refinancing, fairly constantly this summer. If corporate demand remains strong, then interest rates will probably surge higher.

Certainly the money managers feel that as long as the demand for funds by both Government and business continues, they must maintain a tight rein on the money supply. As they see it, any relaxation in their credit policy would serve to provide new stimulus to the wage-price spiral. The Federal considers that higher rates are inevitable at this stage in the capital boom.

DISCOUNT RATE DEBATE

Actually there is now a strong minority in the Board and at the regional banks who want another hike in the discount rate, which has been at 3 percent since August. They argue that it would merely confirm the overall rise in interest rates. From this point of view, a hike in the discount rate would not be an indication of increased tightness, but merely be a recognition of the current state of the market.

This viewpoint, which has adherents in many of the regional Federal banks as well as in the Board itself, does not claim a majority. Those officials who are resisting a new move claim that though the interest rate structure has made an upward adjustment, a rise in the discount rate would insure a further climb. In particular, they say, it would automatically lead to a hike in the prime rate that commercial banks charge their top accounts.

It is rumored that at least 2 Federal banks have had their applications for an increase in the discount rate turned down by the 7-man Board of Governors, which has the authority to approve or reject all moves on the discount rate. The New York Federal, which is in the heart of the money market, is resisting any overt move most strongly. According to one of its top officials, any new sign of tightness might bring on a crisis in the money market.

The Federal will probably hold off any move until the Treasury gets through the financing operation it has coming up within 2 weeks. But the market has no assurance that the majority now against a move will still exist later in the summer.

BLOWOFF AHEAD

Many Wall Street men feel that whether or not the Federal moves, the money market is headed for a climatic blowoff. As they see it, the Treasury will be forced to pay a great deal more than current rates for the cash it needs, and this will not only mean higher rates all around but will cut down on the amount available to the rest of the market. The result could make the squeeze so tight that it would precipitate the kind of crisis that existed in early June 1953, when borrowers were unable to get funds at any price. If that happened, the Federal certainly would have to relax its tight money policy—and might be forced to swing toward easier money.

The Federal says it would like to avoid any severe trouble in the market. But observers point out that the market is already undergoing a lot of stress and strain. "It will only take a little more pressure," says one underwriter, "to bring on real troubles."

POLICIES AND OPERATIONS OF THE FOREIGN TRADE DEVELOPMENT ACT—STATEMENT BY SENATOR COOPER

Mr. HUMPHREY. Mr. President, I wish to have printed in the RECORD a statement by one of our distinguished colleagues, the Senator from Kentucky [Mr. COOPER]. His statement was presented before the Senate Committee on Agriculture and Forestry, in connection with the committee's study of the policies and operations of the Foreign Trade Development Act, Public Law 480, of the 83d Congress. I asked the Senator from Kentucky for the privilege of requesting that his statement be printed in the body of the RECORD. It is one of the most concise and persuasive arguments in behalf of the extension and continuation of Public Law 480 that I have ever read or heard. Therefore, Mr. President, I ask unanimous consent that the statement of the Senator from Kentucky be printed in the body of the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR COOPER

Mr. Chairman, Senator HUMPHREY, and members of the committee, I appreciate very much the opportunity you have given me to express my views on the importance of Public Law 480, the Foreign Agricultural Trade Development and Assistance Act of 1954. I had the opportunity to vote for its enactment in 1954, and since that time to see its practical application in one country, India. I believed at the time of its enactment in its purposes, and I now view it as one of the

most valuable programs of our Government and people.

Today, I want to direct my remarks particularly to the sale of surplus agricultural commodities to other countries for their local currencies. I need not tell this committee that the uses of at least a portion of foreign currencies, for which we sell surplus agricultural products, can be of immediate and direct value to our country. In report No. 188, from the Senate Committee on Agriculture and Forestry, on the extension of Public Law 480, March 26, 1957, your committee indicates some of these uses. Among them are the development of markets with the United States, payment of United States obligations overseas, and procurement of strategic materials. All of these represent returns to the United States which can be ascertained in terms of repayment in dollars.

But at this hearing, I would like to speak briefly of other results of this program which I believe are of great benefit to the countries receiving our surplus food and of tremendous value to the immediate and long-range purposes of United States foreign and domestic policy. Today I may illustrate from time to time from my experience in India, but I point out that I consider the statements that I make applicable to many other Asian countries, and to Middle Eastern, African, and Latin American countries as well.

I do not believe that the operation, purposes, and accomplishments of the Public Law 480 programs are fully enough or widely enough understood by the people of our country. Beyond the return to the United States in goods and services, which I have mentioned, I suggest that we are doing these things under Public Law 480:

1. We help supply the basic human needs of people for food and for the fibrous material from which clothing is made.

It is a common experience with newly independent countries that their people, upon achieving political independence, demand and expect an immediate increase in the supply of food and clothing. This need, of course, existed long before, when independence was denied by colonialism, but now political freedom has made it possible for the people to demand more insistently that this need be met.

The first problem of the governments of newly independent countries is to provide more food and more fiber (especially for clothing) for their people. The need is very real and urgent—for an improved and more adequate diet, for a more uniform supply of food throughout the country, and from one season of the year to the next, to raise the health level of the population, and to take care of the dietary needs of the children. If the democratic governments of these countries cannot meet this first need, their people may in time look for other systems of government, and they might not be democratic systems.

The urgent nature of this need for a larger and more stable supply of food can be seen by comparing standards in such industrially advanced countries as our own with those of a representative country like India. Americans, with an average annual income of about $2,000, consume an average of 3,200 calories every day. Indians, on the other hand, have an average annual income of $55 and an average daily consumption of 1,700 calories per person.

Consequently, emphasis must be placed on the development of the country's agricultural economy. Through our point 4 program, we are endeavoring to help by supplying technical agricultural assistance, farming tools and supplies, and expert farm personnel, all of which is designed to help increase the quality and quantity of a country's agricultural production. The United Nations also has its point 4 program, to which we contribute. But it is a slow process; our point 4 assistance, while important, is a minor factor. The chief effort for agricultural development rests with each country itself, and many of them, like India, have made great and heroic progress.

In the meantime, however, while agricultural production is developing, many of these countries have been faced with an immediate and critical need for large supplies of food and fiber. It is here that our broadly conceived Public Law 480 programs have been of great help, and I hope will continue on an expanded basis to be of critical assistance. They fill the gap in part as a country makes its great effort to improve agricultural production.

2. A second point is that under Public Law 480 we are helping to prevent runaway inflation in countries beginning industrial expansion.

As the committee knows, nearly every country in the world is engaged in an all-out effort to raise the living standards of their people. They seek to accomplish this through increased agricultural production and increased industrial production. As this development progresses more people go to work and more income is produced. And the first use of new income is for food and cloth. It could not be used for much else. An advance in individual income of $2 to $5 per year can only go to basic needs—food and clothing.

However, unless agricultural production keeps up with the increased purchasing power made available through industrial development, the old and bitter cycle of inflation takes over. Thus, slightly increased income is more than consumed by the artificially higher prices paid for food and clothing. And this can result in the people being no better off, and sometimes far worse off, than before the development program started. At least, it can endanger the chance of progress in a country striving to advance.

By supplying needed amounts of food, Public Law 480 compensates for part of the lag in agricultural production and helps supply the food and clothing the people want to buy with their increased income. It is a valuable instrument in the fight against inflation.

3. The public Law 480 programs help finance the agricultural and industrial development efforts of underdeveloped countries.

This is best understood by describing the actual operation of the program. The United States sells food and fiber to the government of countries being aided, agreeing to repayment in their local currencies. The government, in turn, sells these commodities to its people for local currency—in Indian rupees, for example.

The income from the sale of Public Law 480 supplies becomes a part of the disposable national income of the country to which we transfer our surplus crops. And, rather than require the government to pay for the commodities immediately, the United States agrees to lend back to the government for a term of years the local currencies it has received from the sale of our surplus crops to its people, and which it owes to the United States. Thus, this income becomes a fund from which countries are able to finance economic development projects, projects which the recipient country and the United States work our mutually, but which the recipient country initiates and completes. It is their work and their program.

All of us know that investment for industrial expansion depends on savings. The tremendous expansion taking place in this country today is financed by the private savings of our people. Yet we hardly consider this fact—this necessity—we are so accustomed to it. But in countries whose people barely live above survival, there is very little scope for private savings. Compare the average income of an individual in the United States of over $2,000 per year with an individual's income in India where 380 million people earn an average of $55–$57 per year, and 95 percent of their people have incomes of less than $300 per year. There is very little scope for providing private savings for investment. Funds for development must be provided chiefly from taxes; but Public Law 480 provides a new source of funds for local investment, sales to the people. And, at the same time, it increases potential savings for development purposes by holding back the savings-depleting impact of inflation.

And of great psychological importance, it provides a means whereby the whole nation, all its people, contribute directly to the development efforts of its government—by realizing that the money they spend for necessities of life will, in turn, help stimulate greater agricultural and industrial production and further advance the country's standard of living.

4. And related to this development effort, the Public Law 480 programs accomplish another purpose: They enable the recipient country to save a part of its scarce supply of foreign currencies, for the purchase of capital goods which can be supplied only from outside the country, and without which it cannot develop industrially.

This fact is especially significant since one of the major obstacles to economic development in such new nations is the great difficulty in accumulating supplies of foreign currency and savings from its own people. A country may develop local funds to pay its labor, to purchase local material, and build plants with local materials, but unless it can place in the plants the tools, machinery, steel, etc., that are only obtainable in other countries, it cannot advance. And it must have foreign currency to purchase such necessary supplies of capital goods abroad.

In this respect, Public Law 480 works this way—

(a) It permits a country to supply a part of its increased food and fiber needs without purchasing supplies on the world market—for which it would have to pay in foreign currency;

(b) It permits the country to shepherd its reserves of foreign currency and to use these reserves in the most effective way to buy wealth-producing capital goods on the world markets.

One aspect of the great opportunity the United States has by reason of its Public Law 480 program can be best appreciated when we contrast our operations under the program with the operations of Soviet Russia's foreign aid. Russia can and does (a) make loans to countries seeking industrial progress, on easy terms; (b) supply a certain amount of capital goods for development purposes; and (c) train personnel in technological processes, both on the spot and in factories in the Soviet Union.

The United States can do and has done all these things. And we began to assist many of these countries in a time of real need—at the time they had attained political independence—an independence to which we had given our sympathy, and in many cases, our assistance. And at that time the Soviets were denouncing many of the governments and leaders of these countries as reactionary and counter-revolutionary.

But in addition, we can do something Russia cannot do. We can help supply the most basic need of peoples—food—in large quantities. We can give food and fiber and support liberty. And by supplying the most fundamental requirement of countries struggling for development throughout the world, we can accomplish the subsidiary and important assistance I have described in this statement, an assistance which otherwise might lose much of its value through famine and inflation.

I have not attempted to relate my statement too prominently toward our foreign policy. I will say, however, that one of the

prime objectives of United States foreign policy is that democratic countries throughout the world may be able to maintain their sovereignty and independence. The newly independent countries of the world have chosen the democratic system and its institutions, but it will be difficult for them to maintain their integrity and to secure the respect of their peoples for their democratic governments, unless they can maintain economic stability and advance the living standards of the people. I point out again that food is the first requirement and that the United States is the only country in the world with the capacity to supply the food that is needed.

I would not want to close without paying a tribute to the independent agencies and the churches, which in programs of their own, distribute surplus food in areas of great need or famine. Theirs is a work inspired by the noblest purposes and to meet the most immediate need of human beings.

Also, I am not ashamed to say that the people of our country, with all its abundance of food, have some moral and spiritual obligation to make available at least a part of its riches to those who need, and those who struggle to advance themselves. I express my admiration to you, Senator HUMPHREY, Senator AIKEN, and the members of this committee, for the effort you are making to improve and to expand, if necessary, the programs which came into operation under Public Law 480. I express my conviction that they are making a great contribution to the peace and well-being of the world, and to the success of our best objectives in foreign policy. I hope that this important program can be expanded and developed to make even greater contributions in the future. We are in the unique position of being able to say to the peoples of the world struggling to achieve equality and freedom: "There can be both freedom and food."

INCREASE IN STEEL PRICES

Mr. HUMPHREY. Mr. President, on June 27 the United States Steel Co. announced that it was raising its steel prices an average of $6 a ton. United States Steel maintained that the reason for the increase was higher wages and fringe benefits. It pointed to the workers of the industry as being the villains, and to the poor, little, old United States Steel as just not having any choice but to raise its rates.

I do not hesitate to state, Mr. President, that the American public is not being told the whole truth by the steel industry. Take for example the argument of United States Steel that wages and fringe benefits are increasing by 6 percent, while steel prices are being raised only 4 percent. In other words, United States Steel argues that it should be increasing its prices even more than it has. This line of argument would hold water only if labor costs were the major portion of the total costs in the steel industry. This is not the case, however. According to an article by McClellan Smith, in the Magazine of Wall Street of February 16 of this year, labor costs as a percentage of sales in the steel industry averaged 32 percent as of 1955; United States Steel's labor costs were 39 percent of sales.

I also call attention to some very pertinent statistics which were presented to the Joint Economic Committee on January 31, 1957, by Mr. Otis Brubaker, director of the United Steelworkers of America.

Profits before taxes of the 25 leading steel companies in 1956 totaled about $2 billion, despite the steel strike in the third quarter, only a little below the record profits of 1955, and 76 percent higher than the 1954 profits, 188 percent higher than the 1947 profits, and 1,168 percent higher than the 1939 profits.

Net profits tell the same rosy picture. Last year, despite the steel strike, these 25 top companies in the industry reaped $1 billion net. This is on a par with 1955, 70 percent higher than 1954, 154 percent higher than 1947, and 691 percent higher than 1939.

Profit margins in the steel industry have been widening sharply in recent years. For all manufacturing industries, however, they have been narrowing. Profits per dollar of sales of the 22 leading steel firms rose from 6.2 cents in 1947, to 7.9 cents in 1955 and the first half of 1956. Net profits per dollar sales in all manufacturing declined from 5.7 cents in 1947, to 4 cents in 1955, and to 4.3 cents in early 1956.

Net profits as a rate of return on net worth rose in the steel industry from 10.5 percent in 1947, to 13.8 percent in 1955, and 16.1 percent in the first half of 1956. In all manufacturing fields, however, net profits as a rate of return on net worth dropped from 15.1 percent in 1947, to 12.6 percent in 1955, and 12 percent in the first 3 quarters of 1956.

In the payments of dividends, the situation is the same. Steel industry dividends are up, compared with those of other industries: an increase of 229 percent from 1947 to 1956, as compared with an increase of only 86 percent for all corporations.

Not including the price boost or the wage increases effective July 1, we find that since 1945, for every dollar increase in labor costs, the steel industry has gotten more than $3 in added revenue. Here are the figures, measured in terms of 1956 operations, for the entire steel industry:

	Million
Additional revenues	$6,572.2
Additional labor costs	2,027.9
Total gain	4,544.3

I also note that United States Steel enjoyed during the first 3 months of this year the highest net earnings for any quarter in its history. Let me read the figures from the company's quarterly financial statement. Its net income after taxes for the first quarter of 1957 totaled $115,478,109; in the first quarter of 1956, its net earnings were $104,160,945; and in the first quarter of 1955 its net earnings were $72,652,402.

I say, Mr. President, that these facts and figures show that United States Steel had no need to boost its steel prices $6 a ton at a time when we are desperately trying to hold down the cost of living.

At this juncture, I should like to point out that the steel price increases follow closely upon President Eisenhower's plea of last week for voluntary action by industry and labor to check inflationary pressures. In this light, it would appear that the steel industry was either ignorant of, or was callously indifferent to, a legitimate request of the President of the United States. Inasmuch as radio and TV newscasts and the Nation's press gave full coverage to the President's request, I feel that the latter alternative must be accepted as correct.

In flouting the President's plea for self-restraint, the leadership of the steel industry has demonstrated an economic arrogance that is indeed shocking to the general public. It cannot be denied that, implicit in the rise in steel prices at this time, is a willful refusal by the industry's leadership to assume the social responsibilities concomitant with economic power and prestige. In my judgment, the steel industry's entire course of action in this matter presents a discouraging commentary upon the caliber of statesmanship practiced by a very important segment of our economy.

By increasing prices at a time when the President is advising selfrestraint in such matters, the steel industry has joined a select group. As will be recalled, the petroleum industry raised prices in January of this year shortly after the President had counseled in his state of the Union address:

> Business leaders must, in the national interest, studiously avoid those price rises that are possible only because of vital or unusual needs of the whole Nation.

I also note that even the Secretary of the Treasury, George Humphrey, admitted before the Senate Finance Committee on Monday that steel price increases will contribute to increased costs over a large area of the economy.

Mr. Robert B. Anderson, who will soon succeed Secretary Humphrey, told the Finance Committee of the Senate that he wished the steel price rises had not taken place. He voiced agreement with the Senator from Tennessee [Mr. GORE] that this price boost would add to inflationary pressures.

It may well be that business leaders, seemingly unaffected by the threat of inflation and indifferent to the pleas of the President, need to be reminded of some hard facts. They appear to have been unduly influenced by the President's expressed reluctance to impose price and wage controls at this time. Of course, Government controls in peacetime are anathema to all of us who believe in a free and competitive system of private enterprise. At the same time, however, irresponsible price boosts cannot and will not be indefinitely tolerated. On this point, I can add I have received a number of letters and telegrams proposing a program of Government controls. Business leaders should understand that, in failing to meet their social responsibilities, they are issuing an invitation for Government intervention—and action I hope will not be necessitated.

I have learned that the Senate Antitrust and Monopoly Subcommittee, under the able chairmanship of the Senator from Tennessee [Mr. KEFAUVER] has decided to investigate the steel price increases. This is good news. The talents and energies of the Senator from Tennessee will be needed in discovering what application the law of supply and demand has in an industry where prices are boosted at a time when only 80 percent of ingot capacity is being utilized.

In addition to the investigation of the Senator from Tennessee of the competitive aspects of the steel price increases, I suggest a broadscale inquiry into the inflationary aspects of the matter. Such a study would be most appropriate for the Joint Committee on the Economic Report. In the study, testimony could be received from representatives of Government, business, labor, and the general public. Through such an inquiry would come an objective and well-balanced assessment of all factors contributing to the current inflationary spiral. At long last, economic facts could be substituted for opinions and theories.

I ask unanimous consent that an article from the July 1 issue of the Wall Street Journal be printed in the RECORD. In this article it is predicted that the steel price boosts will spur increases in a host of steel products—in some cases even greater proportionately than the steel hike itself.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal of July 1, 1957]

ANOTHER ROUND?—MANY STEEL USERS SAY THEY'LL BOOST PRICES TO OFFSET STEEL'S RISE—BUT IMPACT MAY BE UNEVEN AS COMPETITION, BUYERS' REACTIONS WORRY SOME—A PUMPMAKER ROUNDS OFF

Steel price boosts, effective today, will spur increases on a host of steel products—in some cases even greater proportionately than the steel hike itself.

This latest inflationary spurt comes while influential lawmakers are pondering the perils of generally advancing prices. Today, Treasury Secretary Humphrey, soon to become chairman of National Steel Corp., may be questioned about the steel price increases when he again faces the Senate Finance Committee. Another Senate study of steel price boosts is likely later this month by Chairman KEFAUVER'S Senate Antitrust Subcommittee. Less than a week ago President Eisenhower called on business and labor alike for statesmanlike action to hold price lines.

Most steel users, including fabricators, furniture makers, auto manufacturers, and appliance firms, indicated in a nationwide survey that they plan to pass on to the consumer the average $6-a-ton increase on steel announced late last week by United States Steel Corp., the Nation's largest producer.

Other leading steelmakers, including Republic Steel Corp., National Steel Corp., and Youngstown Sheet & Tube, quickly followed United States Steel's lead and posted higher prices.

MOST AND MAYBE MORE

Although many steel users said market conditions and the action of competitors on the steel rise would influence their pricing policies, few left any doubt that they would attempt to pass most, if not all or more, of the price increase. Of more than half a hundred steel users in a broad industrial cross-section, only seven reported they did not intend to increase their prices.

The 4-percent steel hike, of course, was not unexpected. Under a 3-year contract with the United Steelworkers which was signed last fall, some 700,000 steel-company employees will get a boost in pay and fringe benefits beginning today. The steelworkers figure the pay package will cost the company 12.5 cents an hour more per employee but the industry put the extra cost at 20 cents or more. Steel companies contend the steel price boost will only partly offset these added labor costs.

The immediate effect of the steel price increase is apt to be uneven. On some big jobs—construction projects and railroad cars, for example—manufacturers have steel escalator clauses in their contracts. That means the steel price hike automatically will be tacked onto the customer's final costs. Other producers, though anxious to raise prices, say they want to hold off a bit to see what other companies in their industry will do. In some cases, therefore, the full impact of the steel change won't be felt for several months.

AUTOMAKERS AT ODDS

Auto manufacturers are at odds about how much, if any, of the steel price increase will be packed into prices of 1958 models. A spokesman for one of the Big Three companies said he doubted the increase would affect car prices at all. But another major car maker, relying on an industry rule of thumb based on 1.5 tons of steel in the average auto, figured car prices would be up about $10 on each new model because of the steel increase.

"It is going to be inevitable that we will have to raise prices," says a spokesman for Philco Corp., in Philadelphia. White goods—refrigerators, gas ranges, and such—almost certainly will go up because of the steel increase, he says, and television sets may be boosted, too.

Whirlpool Corp., another heavy user of steel in major appliances, is scheduling a meeting of officers today in its St. Joseph, Mich., headquarters, to consider the effect of the price hike, an official reports. In Columbus, Ind., Yandell C. Cline, vice president of Arvin Industries, Inc., voices a typical reaction of manufacturers:

"NO ALTERNATIVE

"We're reluctant to do anything which would increase the price spiral that we don't like and Eisenhower doesn't like. But ours is a close-margin business; we have no alternative but to adjust our prices up."

Mr. Cline says Arvin's fall line of radios, auto parts, electric heaters and auto heaters probably will show an increase. "Some seasonal products such as outdoor furniture, barbecue grills and window fans won't reflect the increase until next year, though," he adds.

Some steel users report they're raising prices even more than the percentage increase on raw steel.

"Our entire line of pumps will go up 5 percent to 7 percent," says Fritz F. Stadelhofer, treasurer of Berkeley Pump Co., of Berkeley, Calif. "Steel is just the beginning," he explains. "Pretty soon, all our suppliers will begin raising their prices to us to reflect the steel price increase in their products."

Mr. Stadelhofer pulls out a pricelist and points to one of the 150 pumps that Berkeley manufacturers. "Here is a centrifugal irrigation pump now retailing for $700," he notes. "It will go up to $735 or $742. But we always round off the figure to our favor so it will probably end up at $750."

A Philadelphia steel warehouseman plans to pass the $6 per ton increase along to customers and says his markup will probably be hiked, too, "We shoot for around 30 percent on markup," he notes. "If the price is raised, the markup will have to be, too, to stay at that 30 percent level."

Some manufacturers, especially in the appliance field where retail sales this year have been sluggish, are taking a wait-and-see approach.

"Industry conditions, during the next 30 to 45 days are the key to whether we'll pass on the effect of higher costs or hold the line," comments Judson S. Sayre, president of the Norge division of Borg-Warner Corp.

A big Chicago appliance maker says it will take "several weeks" before his company can set a new pricing policy and that changes will be spotty. A slow moving appliance, for example, may not be increased in price but a more popular one might, he says.

ABSORBING IT

Many fabricators and manufacturers say they may have to absorb at least part of the steel increase.

An executive of a Birmingham, Ala., fabricating and warehousing company reports that his firm has been figuring on a price increase and in quoting bids on future jobs has been adding $6 a ton. "But," he adds, "because of the competitive situation, we've had to shave our profit margin so much that we're not getting the $6."

"I presume we can pass on an increase," says William H. Wilkerson, president of Auto-Nailer Co., Atlanta maker of automatic fastening machines for the furniture and other woodworking industries. "We won't attempt to make anything on the increase and we hope we won't lose anything."

Adds a spokesman for Salem-Brosius, Inc., manufacturer of industrial furnaces and materials-handling equipment in Carnegia, Pa.: "We'll get clipped on some of our short-term contracts, but the company has escalator clauses in some of its long-term agreements."

LITTLE RELUCTANCE

Many steel users indicated little reluctance to add the new steel costs into their prices—and saw no reason why they should be hesitant.

Summing up this attitude is a statement by Herman T. Pott, chairman of St. Louis Shipbuilding & Steel Co., maker of river boats and barges.

"We're not going to take a steel price increase out of our own pockets unless business gets lousy."

The last major increase in steel prices came in August 1956, after the 36-day nationwide strike. It averaged $8.50 a ton. Since then, prices have been advanced an additional $5 or so, mostly through adjustments on extras, the charges paid by customers over and above base prices for special processing of the steel.

Demand for steel, though considered good by the industry, is not at the boom levels of a year ago. Actual production through March, April, May, and June has been below year-ago levels.

Mr. HUMPHREY. Mr. President, the July issue of Steel Labor, the journal of the United States Steelworkers of America, has some other interesting statistics bearing on the new steel price increase. In that issue, Mr. David J. McDonald, president of the United States Steelworkers points out:

Since the postwar period—that is, 1945—there have been 21 rounds of steel price increases. There have been nine rounds of wage increases. These price increases have yielded the industry more than $3 in revenue for each $1 of wage increases. Remembering this three-for-one formula and noting the fantastic growth of profits per employee hour which accompany these prices, only one conclusion is possible. Wage increases in steel have not caused a single price increase.

The whole issue, Mr. President, is very carefully considered by Mr. Stanley H. Ruttenberg, director of research of the AFL–CIO, in an important letter which he sent to the New York Times and which was printed in that paper Friday, June 28, 1957.

I ask unanimous consent that the text of this letter be printed at this point in my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

[From the New York Times of June 28, 1957]

PRICE-WAGE LINK EXAMINED—STEEL INDUSTRY DECLARED EXAMPLE OF WIDENING MARGIN OF PROFIT

To the EDITOR OF THE NEW YORK TIMES:

The current discussion of rising prices and the attempt to link price boosts to wage increases is almost always based on vague generalities. If this discussion is ever to become a meaningful one it will have to deal with economic realities—with administered price structures in most of the economy's key industries and with the price-profit-investment policies of the Nation's major firms, as well as with wage rates and unit labor costs.

Let us look at the steel industry, a basic industry whose price movements affect the general level of prices. According to informed newspaper accounts this industry is preparing to install its next semiannual increase of steel prices on or about July 1.

Officials of the United States Steel Corp., the industry's dominant firm and price leader, have been attempting to prepare the ground for the price boost by saying that increased labor costs will necessitate higher prices. The record of United States Steel profits, however, clearly indicate that the corporation can absorb the cost of improvements in the wages and fringe benefits of its employees without a price increase at all.

In 1939 United States Steel's profits before taxes were equal to 13 cents for each hour worked by each employee. In 1940 this profit was doubled to 26 cents. The following year, in 1941, profits per man-hour climbed to 38.8 cents. By 1947 it reached 42.6 cents. In the recession year of 1949 it went to 60.3 cents. In 1950 it was 85.4 cents.

In 1955 another new record was established when profits per man-hour hit $1.38. Last year, despite a strike, it was $1.345.

CURRENT RATE OF PROFIT

And in its most recent report for the first 3 months of 1957 United States Steel revealed that its profits were at an annual rate or $1.80 for each hour worked by each employee. This represents an increase of 30 percent over its previous record profit per man-hour in 1955 and a fabulous increase of 1,284 percent since 1939.

United States Steel's net profits (after taxes) per man-hour reveal a similar spectacular rise from 10 cents in 1939 to an annual rate of 89.8 cents in the first quarter of 1957, an increase equal to 13 percent a year, compounded annually from 1939 to 1957.

The upward movement of steel prices through the years has been caused by the steel industry's determination to widen its profit margin by a consistent policy of imposing even higher prices on customers and, eventually, consumers of steel, who are helpless to resist, as David J. McDonald, president of the United Steelworkers of America, declared in an address recently.

With United States Steel's annual profit rate of $1.80 per man-hour—and the industry's rising productivity—how can the expected steel-price boost on or about July 1 be justified on the basis of labor costs?

Some people have argued that a recent report by the Bureau of Labor Statistics proves that wage increases have been a primary cause of rising prices. The report itself, which covers the years 1947–56, declares that the index for unit labor costs was lower than the price index for every year prior to 1956. In other words, nonfarm prices were rising faster than nonfarm unit labor costs in the period covered except in the 1 year, 1956.

LABOR COSTS

In its report on this Bureau of Labor Statistics study, the June 1 issue of Business Week states: "One obvious way of trying to determine which caused which would be to measure whether labor costs or prices moved up first. Subjected to this test unit labor costs seem to have followed prices uphill through most of the postwar years—and particularly in those years when the inflationary heat was most intense."

The record of recent months indicates that labor cost-price-profit relationships are back to the 1947–1955 trend. Payrolls for production and maintenance workers in manufacturing industries declined almost 4 percent between September 1956 and last May, according to the Bureau of Labor Statistics, while the physical output of manufacturing industries declined only somewhat more than one-half of 1 percent.

Unit labor costs of factory production and maintenance workers actually declined 3.3 percent in those 8 months, but wholesale prices of industrial goods continued to move up by almost 2 percent.

Corporate profits in the past 6 to 8 months have been at alltime record annual peaks, despite a leveling off of economic activities.

These types of specific issues, rather than vague generalities, must be considered by those who are interested in the continued growth and stability of our economy.

STANLEY H. RUTTENBERG,
Director, Department of Research, AFL–CIO.

WASHINGTON, *June 25, 1957.*

Mr. HUMPHREY. Likewise, Mr. President, Mr. Walter P. Reuther, chairman of the economic policy committee of the AFL–CIO, issued a statement on the steel price increase. I ask unanimous consent that this statement, too, be printed at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

STATEMENT OF WALTER P. REUTHER, CHAIRMAN OF THE ECONOMIC POLICY COMMITTEE OF THE AFL–CIO AND PRESIDENT OF THE UAW

The price increase announced by the United States Steel Corp. is unjustifiable, socially irresponsible, and dangerously inflationary.

It is big business' contemptuous and defiant response to the appeal of President Eisenhower only last Wednesday for restraint by industry in initiating price increases.

The facts on steel prices and steel wages prove conclusively that United States Steel's effort to blame the price increase on increased labor costs is completely false and that this price increase, as other price increases in steel, autos, and other industries in the postwar years are nothing more than an unconscionable and greedy grab for higher and higher profits at the expense of American consumers.

This is further proof that the crushing burden of inflation imposed on American consumers by the steel and other key, price-setting industries is a rigged inflation arbitrarily fixed by industrial management. It does not grow out of the free interplay of normal economic forces.

Clifford E. Hood, United States Steel president, could well take a leaf out of the book of C. E. Wilson, now Secretary of Defense, who said in 1952, when he was president of General Motors: "I contend that we should not say the 'wage-price spiral.' We should say the 'price-wage spiral.' For it is not primarily wages that push up prices. It is primarily prices that pull up wages."

It is particularly significant, in view of this announced steel price increase, that the steel industry, along with other price-pacing industries, and the NAM and United States Chamber of Commerce, have consistently and vigorously fought tooth and nail against a Congressional investigation into the wage-price-profit relationship, which the AFL–CIO and many of its affiliates have proposed and urged.

Such an investigation would reveal that this present and other postwar price increases by the steel industry and by other industries are completely unwarranted and cannot be justified by increased labor costs. That is why these industries fear and fight against such an investigation. Labor has no fear of what such an investigation would reveal.

A simple and brief recital of the profit figures of three of these price-administered industries prove the point that blaming price increases on labor costs is propaganda rather than economic reality. They prove that such increases in labor costs, if any, which are not offset by increased productivity, can easily be absorbed out of profits and still leave these corporations and industries with record or near-record profits.

United States Steel is an admirable example. In 1939, United States Steel's profits per man-hour worked by each employee was 13 cents. In seven-league boot strides, this profit has advanced through the years, despite wage increases and other economic benefits to steelworkers, to an annual rate in the first 3 months of 1957 of $1.80 for each hour worked by each employee—a fabulous increase since 1939 of 1,284 percent. And these profit rates include not only hourly rated workers, but supervisory, clerical, and executive personnel as well.

General Motors raised its prices in 1955, using as an excuse a 20-cent-an-hour wage and fringe benefit package won by its employees in collective bargaining that year. This action was taken during the first 9 months of the year after the benefits won by workers had gone into effect and during which period GM earned $2.93 in profits before taxes for every hour worked by each of its hourly rated employees. For the whole year of 1955, GM made more than $2½ billion profit before taxes, highest in the history of any company in the world, representing a 79-percent return on investment. In the first 3 months of this year, which has been a comparatively bad period for GM because of a slump in sales, the company made $2.80 in profits before taxes for each hour worked by each hourly rated employee.

The spiraling profits of the oil industry is another example which deserves Presidential and congressional attention. Standard Oil of New Jersey's profits are not readily broken down into profit per man-hour, but its net total profit after taxes show the following rate of progression:

1954	$584,793,000
1955	709,310,000
1956	808,535,000

And in the first 3 months of the current year, this same company is making net profits after taxes at the rate of $948 million—a 17-percent increase over last year.

If President Eisenhower is truly concerned about inflation and unwarranted price increases, and I believe he is, he should turn his attention, not to workers whose economic gains increase mass purchasing power to the benefit of the country as a whole, but to such corporations and their managements as those listed above and make his appeal to reason and social responsibility to them.

The classical reasons for inflation are not present in this situation. There is no excess of demand over production or capacity to produce. In fact, in the last 2 years the automobile industry, the largest single consumer of steel, has suffered a decline in sales. It is currently operating at about 60 percent of capacity—despite a need for new automobiles and trucks.

The steel industry is operating at less than capacity.

The electrical-appliance industry, the textile industry, and other basic industries are operating at well below capacity and the

workers in these industries have been suffering unemployment and underemployment.

There is a desire and need for these products but the great mass of consumers do not have the purchasing power to buy what they want and need.

The present inflation is artificial because it has been artificially rigged by a few corporations which, because of their dominant positions in industry, set the price of their products without any relation to the laws of supply and demand.

A continuation of the propaganda contest between management and labor, in which each tries to pin the responsibility for rising prices on the other, will not stop the inflationary spiral nor will it protect the American consumer against higher prices.

Both management and labor ought to be prepared to present all the facts before a congressional committee so that the American public will know all the facts and in turn fix the economic and moral responsibility for inflationary pressures which are forcing up the cost of living.

The American labor movement will continue to press for such an investigation.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that an article by Nate White, the business and financial editor of the Christian Science Monitor, be printed at this point in my remarks. Mr. White's article in the June 28 issue of his paper demonstrates quite clearly that the victims of this new price increase in steel are going to be American consumers, homes, schools, highway construction projects, new plant and equipment expansion, and fundamental economic growth.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

STEEL COST PUSH JOLTS CONSUMER

(By Nate White)

BOSTON.—Direct victims of the announced increase of $6 a ton in the basic price of steel are the American consumers, homes, schools, highway construction projects, new plant and equipment expansion, and fundamental economic growth.

This is the single controversy-free, crystal-clear meaning for every American consumer, individually or collectively, already faced with a cost-of-living rise of 3.6 percent a year, of the United States Steel Corp.'s price increase effective July 1 when costly wage increases and employee benefits, agreed upon after a 34-day strike last summer, begin.

The price increase was expected. Industry leaders would liked to have seen it put at $10 to $12 a ton to cover their increased costs. Many expressed irritation with United States Steel for putting the increase so low. The corporation argued it was concerned about inflation.

PRICES PROPELLED

The United Steelworkers Union has argued that enormous profits in the steel industry would have enabled the companies to absorb the increased costs.

Following by only 2 days President Eisenhower's appeal to industry and labor to exercise restraint in order to curb inflation, the news of the price increase made it clear that more than public policy pronouncements will be needed to halt inflation in the United States.

Actually the price increases in steel were set before the President made his appeal, because the strike of last summer had already written the new costs into the making of steel. Neither the White House nor consumers had the power to offset the new round of prices which will now begin in every industry dependent on steel.

If Americans have wondered about the whys and wherefores of their new cost-push inflation the steel situation graphically illustrates it for them.

Labor, material, shipping, and equipment costs of making steel are going up. These costs push up prices. It's as simple as that.

The price of a baby carriage or a refrigerator, of next year's automobile and next year's new house, of the new school, the new office building, have also gone up behind the scenes in the price change in steel.

WAGE COSTS TRACED

This year marks the 10th since the end of World War II that prices of basic steel have been marked up following across-the-board wage increases. In 1949 and 1951, one a recession year and the second a year of war, no changes occurred.

The hourly wage in minimums paid steelworkers has ranged from 96½ cents in 1946 to $1.89 in 1957. Higher skills, of course, command higher hourly schedules. Clifford F. Hood, United States Steel president, estimated that the new pay adjustments would bring the corporation's average hourly employment cost for wage employees engaged in steel production to about $3.52 an hour.

Steel price increases each year beginning with $5 in 1946 have averaged $5.86 a year, although individual years have varied, $9.34 in 1948, $3 in 1954, $8.50 last summer, and $6 this summer.

EFFECTS STUDIED

Careful observers of the problem are convinced that no real solution to the problem will be found until the fight on inflation becomes as much of a crusade in the United States from the White House to the village store as was the fight on depression in the 1930's.

Since last year the cost of living has increased at a rate midway between 3 and 4 percent. This increase reflected a loss, as estimated by the Federal Reserve Board, of $2.5 billion for each percentage point, indicating a dollar loss to the American people in the past year of between $9 billion and $10 billion.

This is cost-push inflation.

Mr. HUMPHREY. I also ask unanimous consent that an article from the July 3 issue of the New York Herald Tribune be inserted in the RECORD at this point. This article points out that the three largest steel companies have in the past 10 years increased their sales by 105 percent and increased their net earnings after taxes by 186 percent. The big three also increased their operating profit ratio in 10 years from 9.4 percent to 20 percent.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Herald Tribune of July 3, 1957]

BEHIND STEEL'S RISE: EXPANSION NEEDS

One of the reasons why steelmakers have been raising prices in the face of increasing wage demands is to keep profit margins firm enough to provide for new plant and expanding demand.

Seemingly, since 1947 they have managed to do just that—and then some. Over the last decade combined sales of the big three—U. S. Steel, Bethlehem and Republic—have moved from $3,750,000,000 to $7,700,000,000, a gain of 105 percent.

Operating profits over the same span have shot from $355 million to $1,600,000,000—a gain of 305 percent—while net earnings have increased 186 percent.

The prime reason for the difference between operating profit and net profit performances lies in depreciation—charges made against wear and tear of equipment.

Much of the new plant installed since the Korean war was put in place with the help of accelerated amortization. This had the effect of increasing the steelmakers' internal cash flow and minimizing taxes and reported earnings.

Generally, the trend of the steelmakers' operating profit margins has been up. In 1947 combined operating profit ratio of the big three averaged 9.4 percent. By 1951 this had climbed to 16 percent and last year stood at 20 percent.

Profit profile of steel's Big Three, 1947–56 (combined: United States, Bethlehem, Republic)

[In millions]

	Sales	Operating profit [1]	Net income	Depreciation	Funded debt	Dividends
1947	3,750	$355	$209	$154	$277	$75
1948	4,600	469	266	198	262	94
1949	4,300	538	310	170	292	97
1950	5,180	838	402	208	275	157
1951	6,300	1,020	345	210	416	141
1952	5,720	511	279	193	525	140
1953	6,900	1,010	413	210	370	143
1954	5,650	752	381	199	568	170
1955	7,300	1,300	636	223	666	231
1956	7,700	1,600	599	225	564	268

[1] Profits after all costs except depreciation and taxes.

Mr. LAUSCHE. Mr. President, I wish to supplement the remarks made by the Senator from Minnesota. It is highly regrettable that the steel industry did not give heed to the plea made by the President of the United States that there be some self-imposed restraints in the lifting of prices. In my judgment, arguments are constantly being flaunted before the minds of the public by labor leaders and business leaders, respectively, labor claiming that it is obliged to make demands for increased wages because of increased prices, and then business making the argument that they must raise prices because wages have been increased. I do not care which of the two is exactly right. I know one thing—that both are indifferent to the great plight confronting the people of America with respect to constantly rising prices.

I say to those members of the citizenry who are in the galleries, if you are the possessor of an annuity, if you have money in the bank, if you are receiving retirement payments from the Government, if you have Liberty bonds, all appearances are that next year your savings will probably be worth $5 less for each $100 of their present value.

I was hopeful, when the President delivered his message last January, and repeated it last week, that all Americans would become cognizant of the fact that

each one of us has a job to do in fighting inflation. I was hopeful that the Congress would quit feeding fat into the fire of inflation that we would stop giving encouragement to credit buying and credit building. We might as well recognize that, while international problems are grave, we have confronting us at home in our own household an attitude of indifference of the parent to the plight of the child.

If inflation continues for another period of 4 or 5 years, I respectfully ask my colleagues, What will be the value of the American dollar? The prospects are grim. In the next 5 years, unless some effective action is taken, the value of the dollar will probably drop by 25 cents. We shall then have something to worry about. We shall see inflation running with speed, trying to keep from stumbling. Its speed will increase until the time when it will be so fast that it will not be able to stop the stumbling, and there will be a "bust."

I have great respect for what steel has done for our country. I recognize the need for independence in free enterprise. I have fought in its behalf on the floor of the Senate. But I join in the remarks made by the Senator from Minnesota. In my judgment, this action is tantamount to a brazen indifference to the plight of the economy of Americans.

Mr. MANSFIELD. Mr. President, I join the Senator from Minnesota in what he has just said. The steel industry has shown an arrogance for which there is no justification. Personally, I think the two greatest dangers which the country faces at the present time are communism from abroad and here at home, and the possibility of inflation. I should like to call the attention of my colleagues to the fact that the American dollar today, based on the 1947–49 average, is worth approximately 45 cents.

I should like to suggest that the administration reconsider its so far adamant opposition to the possibility of reimposing regulation W, because I think our credit systems have run wild. The American public at the present time has in excess of $40 billion tied up in credit buying. We can go only so far. We cannot delude ourselves; we are in a period of inflation. It is a serious inflation. I hope the Congress of the United States and the President will both recognize it and seek to take some action to curb it.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KENNEDY in the chair). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. NEUBERGER in the chair). Without objection, it is so ordered.

ORDER FOR RECESS UNTIL 12 NOON TOMORROW

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that when the Senate concludes its deliberation today it stand in recess until 12 o'clock noon tomorrow. Before consent is given, I should like to inform Members that it is the plan of the leadership to ask consent that the Senate recess each day when it concludes its deliberations, and that it meet at 12 o'clock tomorrow, but beginning on Wednesday we shall ask consent that the Senate meet at 11 o'clock, a. m.

Mr. JOHNSTON of South Carolina and Mr. KENNEDY addressed the Chair.

Mr. JOHNSON of Texas. I yield to the Senator from South Carolina.

Mr. JOHNSTON of South Carolina. Is the Senator from Texas asking consent for each day in the future?

Mr. JOHNSON of Texas. No. I am asking unanimous consent that when the Senate concludes its deliberations today it stand in recess until 12 o'clock noon tomorrow.

Mr. JOHNSTON of South Carolina. Only tomorrow?

Mr. JOHNSON of Texas. Only tomorrow. But I am making an announcement that on tomorrow the leadership will suggest that the Senate meet the following day at 11 o'clock, a. m. If the Senate supports the leadership, we will do that.

Mr. President, I should like also to give notice that we plan to have a Saturday session.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas? The Chair hears none, and it is so ordered.

IMPLEMENTATION OF TREATY AND AGREEMENT WITH THE REPUBLIC OF PANAMA

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Order No. 488, Senate bill 1730, a bill to implement a treaty and agreement with the Republic of Panama, and for other purposes; and that at the conclusion of action on that bill the Senate revert to the consideration of the pending business, the Niagara power bill.

I understand there is no controversy in connection with this bill, S. 1730. It is an important and essential bill and should be passed. I hope the Senate will act on it promptly.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 1730) to implement a treaty and agreement with the Republic of Panama, and for other purposes.

Mr. JOHNSON of Texas. Mr. President, I was informed by my associates that there was no opposition to this bill.

Mr. MANSFIELD. That is correct. That was the information I had.

Mr. JOHNSON of Texas. I understand, however, that the Senator from Oregon [Mr. MORSE] has a series of amendments he desires to propose.

Mr. MANSFIELD. If that be the case, Mr. President, I suggest that the request be withdrawn.

Mr. JOHNSON of Texas. Is that the case?

Mr. MORSE. Mr. President, I do have some amendments to propose.

Mr. MANSFIELD. I may say to the Senator, that I understood last week, from a conversation with the Senator from Florida [Mr. SMATHERS], that the Senator from Oregon [Mr. MORSE] had no objection, but that the Senator from Ohio [Mr. LAUSCHE] had an objection, which had been met. It was my understanding there was no controversy about the bill.

Mr. MORSE. Mr. President, it will not take long for me to explain my proposed amendments. I hope we at least will be able to have a conference on the bill. This bill is of vital concern to the transportation industry of my State, and I believe of the whole Pacific coast. In my opinion, the enactment of the bill would inflict a great injury upon the shippers of the west coast, for reasons I desire to set forth, which, for me, will be in an exceedingly brief speech.

Mr. JOHNSON of Texas. Mr. President, I withdraw my request, in the light of the Senator's interest. I desire to see his rights protected.

It was previously announced that there would be a call of the Calendar. I would not wish to keep other Senators, who are interested in having all the bills on the calendar called, from having them called because of a dispute over one bill. In the event we conclude the call of the calendar in time, then I shall renew the request with reference to the Republic of Panama bill.

Mr. MARTIN of Pennsylvania. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I yield to the Senator from Pennsylvania.

Mr. MARTIN of Pennsylvania. Mr. President, it is extremely important that the Niagara power bill be enacted into law, but I also wish to announce that I have an amendment which I desire to offer when it comes before the Senate for consideration.

Mr. JOHNSON of Texas. I thank the Senator. We were discussing the Republic of Panama bill at this time.

Mr. MARTIN of Pennsylvania. I am sorry.

Mr. CASE of New Jersey rose.

Mr. JOHNSON of Texas. I yield to my friend, the Senator from New Jersey.

Mr. CASE of New Jersey. I thought the bill mentioned by the Senator from Pennsylvania, the Niagara power bill, was the one under discussion.

CALL OF THE CALENDAR

Mr. JOHNSON of Texas. Mr. President, I suggest that the Senate proceed with the call of the calendar.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas? The Chair hears none, and the Senate will proceed to the call of the calendar. The clerk will state the first measure on the calendar.

RESOLUTIONS AND BILLS PASSED OVER

The concurrent resolution (S. Con. Res. 2) to create a joint congressional committee to make a full and complete study and investigation of all matters connected with the election, succession, and duties of the President and Vice

President was announced as first in order.

Mr. TALMADGE. Over, Mr. President.

The PRESIDING OFFICER. The concurrent resolution will be passed over.

The resolution (S. Res. 24) to amend rule XIV of the Standing Rules of the Senate was announced as next in order.

Mr. TALMADGE. Over, Mr. President.

The PRESIDING OFFICER. The resolution will be passed over.

The bill (S. 913) to provide permanent authority for the Postmaster General to establish postal stations at camps, posts, or stations of the Armed Forces, and at defense or other strategic installations and for other purposes, was announced as next in order.

Mr. TALMADGE. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 4815) to provide permanent authority for the Postmaster General to establish postal stations at camps, posts, or stations of the Armed Forces, and at defense or other strategic installations, and for other purposes, was announced as next in order.

Mr. CLARK. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

The concurrent resolution (S. Con. Res. 20) authorizing an investigation by the Federal Trade Commission into the activities and practices of companies engaged in the production, distribution, or sale of newsprint in interstate commerce was announced as next in order.

Mr. TALMADGE. Over, Mr. President.

The PRESIDING OFFICER. The resolution will be passed over.

The bill (S. 495) to authorize the acquisition of the remaining property in square 725 in the District of Columbia and the construction thereon of additional facilities for the United States Senate was announced as next in order.

Mr. CLARK. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 728) to authorize the acquisition of the remaining property in squares 725 and 724 in the District of Columbia for the purpose of extension of the site of the additional office building for the United States Senate was announced as next in order.

Mr. TALMADGE. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1164) to make the evaluation of recreational benefits resulting from the construction of any flood-control, navigation, or reclamation project an integral part of project planning, and for other purposes, was announced as next in order.

Mr. BARRETT. Over, Mr. President.

Mr. TALMADGE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1639) to provide for the suspension of the vesting of alien property and the liquidation of vested property, under the Trading With the Enemy Act, was announced as next in order.

Mr. CLARK. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 864) to provide for the transfer of certain lands to the State of Minnesota was announced as next in order.

Mr. TALMADGE. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2051) to amend the Atomic Energy Act of 1954, as amended, and for other purposes, was announced as next in order.

Mr. CLARK. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 377) to establish the finality of contracts between the Government and common carriers of passengers and freight subject to the Interstate Commerce Act was announced as next in order.

Mr. CLARK. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 25) relating to effective dates of increases in compensation granted to wage board employees was announced as next in order.

Mr. BARRETT. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 931) to provide for the reorganization of the safety functions of the Federal Government and for other purposes was announced as next in order.

Mr. BARRETT. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1873) to amend sec. 104 (e) of the Civil Aeronautics Act of 1938 in order to authorize permanent certification for certain air carriers operating between the United States and Alaska was announced as next in order.

Mr. BARRETT. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

The concurrent resolution (S. Con. Res. 28) to print a compilation of materials relating to the development of the water resources of the Columbia River and its tributaries was announced as next in order.

Mr. BARRETT. Over, Mr. President.

The PRESIDING OFFICER. The concurrent resolution will be passed over.

The bill (S. 1310) for the relief of certain aliens was announced as next in order.

Mr. TALMADGE. Over, Mr. President.

Mr. BARRETT. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 4602) to encourage new residential construction for veterans' housing in rural areas by raising the maximum amount in which direct loans may be made, and for other purposes, was announced as next in order.

Mr. TALMADGE. Over, Mr. President.

Mr. BARRETT. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 98) to provide for the establishment and operation of a mining and metallurgical research establishment in the State of Minnesota was announced as next in order.

Mr. BARRETT. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 6127) to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States was announced as next in order.

Mr. TALMADGE. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1730) to implement a treaty and agreement with the Republic of Panama, and for other purposes, was announced as next in order.

Mr. BARRETT. Over, Mr. President.

Mr. MANSFIELD. Just a moment, Mr. President.

Mr. CLARK. Just a minute, with regard to Calendar No. 488, Senate bill 1730.

Mr. MORSE. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

ELEANOR FRENCH CALDWELL

The bill (H. R. 1754) for the relief of Eleanor French Caldwell was considered, ordered to a third reading, read the third time, and passed.

MRS. THOMAS L. DAVIDSON

The bill (H. R. 4342) for the relief of Mrs. Thomas L. Davidson was considered, ordered to a third reading, read the third time, and passed.

JACKSON SCHOOL TOWNSHIP, IND.— BILL PASSED OVER

The bill (S. 807) for the relief of Jackson School Township, Ind., was announced as next in order.

Mr. BARRETT. Mr. President, may we have an explanation of the bill?

Mr. TALMADGE. Is the Senator from Indiana present?

Mr. BARRETT. Mr. President, I ask unanimous consent that the bill go to the foot of the calendar.

Mr. KNOWLAND. Mr. President, I think the Senator from Mississippi [Mr. EASTLAND] is ready to explain the bill.

Mr. BARRETT. I shall be delighted to have it explained.

Mr. EASTLAND. Mr. President, this bill authorizes the payment of $275,000 to Jackson School Township, of Cass County, Ind., as compensation for the loss of utility of its elementary school at Lincoln, Ind., and for future costs to be incurred in relocating such school to a site remote from the noise and danger caused by military aircraft flights to and from Bunker Hill Air Base.

The bill as originally introduced provided for a contribution on the part of the United States of $300,000, which has been reduced by the committee to $275,000, and the committee has further provided that such payment will be subject to a conveyance to the United States by the school authorities of the school site, which has been rendered useless for school and other public assembly purposes.

Testimony taken by a subcommittee from school officials and Members of Congress as well as the Department of the Air Force and the Office of Education of the Department of Health, Education, and Welfare developed that, so far as is known at present, only three schools in the United States have been so affected, in that the impairment of the existing school facilities amounts virtually to confiscation of the property by the United States.

Mr. BARRETT. Mr. President, I thank the Senator for his explanation. I withdraw my reservation of objection.

Mr. TALMADGE. Mr. President, I ask that the bill be passed over.

The PRESIDING OFFICER. The bill will be passed over.

BILL PASSED OVER

The bill (S. 2406) to authorize the construction of certain works of improvement in the Niagara River for power and other purposes was announced as next in order.

Mr. BARRETT. Over.

The PRESIDING OFFICER. The bill will be passed over.

HIDEKO TAKIGUCHI PULASKI

The bill (S. 562) for the relief of Hideko Takiguchi Pulaski was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Hideko Takiguchi Pulaski, shall be held and considered to be the natural-born alien child of Sfc. John Pulaski, a citizen of the United States.

SANDRA ANN SCOTT

The bill (S. 1335) for the relief of Sandra Ann Scott was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Sandra Ann Scott, shall be held and considered to be the natural-born alien child of David W. Scott, a citizen of the United States.

MRS. MARION HUGGINS

The Senate proceeded to consider the bill (S. 294) for the relief of Mrs. Marion Huggins, which had been reported from the Committee on the Judiciary, with an amendment, to strike out all after the enacting clause and insert:

That, for the purposes of the Immigration and Nationality Act, Mrs. Marion Huggins shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SEOL BONG RYU

The Senate proceeded to consider the bill (S. 591) for the relief of Seol Bong Ryu, which had been reported from the Committee on the Judiciary, with an amendment, in line 6, after the word "natural-born," to insert "alien," so as to make the bill read:

Be it enacted, etc., That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Seol Bong Ryu, shall be held and considered to be the natural-born alien child of Brooks Doran and Violet Risley Anderson, citizens of the United States.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DON Q. GEE

The Senate proceeded to consider the bill (S. 1268) for the relief of Don Q. Gee, which had been reported from the Committee on the Judiciary, with an amendment, to strike out all after the enacting clause and insert:

That, for the purposes of the Immigration and Nationality Act, Don Q. Gee shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JUNKO MATSUOKA ECKRICH

The Senate proceeded to consider the bill (S. 1321) for the relief of Junko Matsuoka Eckrich, which had been reported from the Committee on the Judiciary, with an amendment, in line 5, after the word "be", to insert "issued a visa and be", so as to make the bill read:

Be it enacted, etc., That notwithstanding the provisions of paragraph (12) of section 212 (a) of the Immigration and Nationality Act, Junko Matsuoka Eckrich may be issued a visa and be admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of such act: *Provided*, That this act shall apply only to grounds for exclusion under such paragraph known to the Secretary of State or the Attorney General prior to the date of the enactment of this act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AYAKO YOSHIDA

The Senate proceeded to consider the bill (S. 1353) for the relief of Ayako Yoshida, which had been reported from the Committee on the Judiciary, with an amendment, on page 2, line 5, after the word "of", to insert "sections 242 and 243", so as to make the bill read:

Be it enacted, etc., That, in the administration of the Immigration and Nationality Act, Ayako Yoshida, the fiancée of James R. Beasley, a citizen of the United States, shall be eligible for a visa as a nonimmigrant temporary visitor for a period of 3 months, if the administrative authorities find (1) that the said Ayako Yoshida is coming to the United States with a bona fide intention of being married to the said James R. Beasley and (2) that she is otherwise admissible under the Immigration and Nationality Act. In the event the marriage between the above-named persons does not occur within 3 months after the entry of the said Ayako Yoshida she shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 242 and 243 of the Immigration and Nationality Act. In the event that the marriage between the above-named persons shall occur within 3 months after the entry of the said Ayako Yoshida the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Ayako Yoshida as of the date of the payment by her of the required visa fee.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FRANCESCA MARIA ARRIA

The Senate proceeded to consider the bill (S. 1452) for the relief of Francesca Maria Arria, which had been reported from the Committee on the Judiciary, with an amendment in line 6, after the word "of", to insert "Mrs. Maria Arria,", so as to make the bill read:

Be it enacted, etc., That, for the purposes of sections 203 (a) (3) and 205 of the Immigration and Nationality Act, Francesca Maria Arria shall be held and considered to be the minor natural-born child of Mrs. Maria Arria, an alien lawfully admitted to the United States for permanent residence.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NICOLETA P. PANTELAKIS

The Senate proceeded to consider the bill (S. 1496) for the relief of Nicoleta P. Pantelakis, which had been reported from the Committee on the Judiciary, with an amendment in line 6, after the word "natural-born", to insert "alien", so as to make the bill read:

Be it enacted, etc., That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Nicoleta P. Pantelakis, shall be held and considered to be the natural-born alien child of Mr. and Mrs. S. L. Lamprose, citizens of the United States.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ERIKA OTTO

The Senate proceeded to consider the bill (S. 1502) for the relief of Erika Otto, which had been reported from the Committee on the Judiciary, with an amendment to strike out all after the enacting clause and insert:

That, in the administration of the Immigration and Nationality Act, Erika Otto, the fiance of M. Sgt. Daniel Mobray O'Neill, a citizen of the United States, shall be eligible for a visa as a nonimmigrant temporary visitor for a period of 3 months: *Provided*, That the administrative authorities find that the said Erika Otto is coming to the United

States with a bona fide intention of being married to the said M. Sgt. Daniel Mobray O'Neill and that she is found admissible under all of the provisions of the Immigration and Nationality Act, other than section 212 (a) (9): *Provided further,* That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this act. In the event the marriage between the above-named persons does not occur within 3 months after the entry of the said Erika Otto, she shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 242 and 243 of the Immigration and Nationality Act. In the event that the marriage between the above-named persons shall occur within 3 months after the entry of the said Erika Otto, the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Erika Otto as of the date of the payment by her of the required visa fee.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ARTHUR GREEN

The Senate proceeded to consider the bill (S. 1528) for the relief of Arthur Green, which had been reported from the Committee on the Judiciary, with an amendment, in line 5, after the word "be", to insert "issued a visa and be", so as to make the bill read:

Be it enacted, etc., That, notwithstanding the provisions of paragraph (19) of section 212 (a) of the Immigration and Nationality Act, Arthur Green may be issued a visa and be admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of such act. This act shall apply only to grounds for exclusion under such paragraph known to the Secretary of State or the Attorney General prior to the date of the enactment of this act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

YONG JA LEE

The Senate proceeded to consider the bill (S. 1641) for the relief of Yong Ja Lee, which had been reported from the Committee on the Judiciary, with an amendment on page 2, line 8, after the word "act", to insert a colon and *"And provided further,* That the exemption granted herein shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this act", so as to make the bill read:

Be it enacted, That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Yong Ja Lee (Mina Kuhrt), shall be held and considered to be the natural-born alien child of Mr. and Mrs. Wesley A. Kuhrt, citizens of the United States.

SEC. 2. That, notwithstanding the provision of section 212 (a) (6) of the said act, the said Yong Ja Lee (Mina Kuhrt) may be issued a visa and be admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of that act under such conditions and controls which the Attorney General, after consultation with the Surgeon General of the United States Public Health Service, Department of Health, Education, and Welfare, may deem necessary to impose: *Provided,* That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said act: *And provided further,* That the exemption granted herein shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of his act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RANDOLPH STEPHAN WALKER

The Senate proceeded to consider the bill (S. 1783) for the relief of Randolph Stephan Walker, which had been reported from the Committee on the Judiciary, with an amendment, in line 6, after the word "natural-born", to insert "alien", so as to make the bill read:

Be it enacted, etc., That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, the minor child, Randolph Stephan Walker, shall be held and considered to be the natural-born alien child of Robert and Charlotte Ann Walker, citizens of the United States.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DAVID MARK STERLING AND JUDITH KOBUDEH STERLING

The Senate proceeded to consider the bill (S. 1071) for the relief of David Mark Sterling and Judith Kobudeh Sterling, which had been reported from the Committee on the Judiciary, with amendments, to strike out all after the enacting clause and insert:

That, for the purposes of the Immigration and Nationality Act, David Mark Sterling shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of David Mark Sterling."

EMILIO VALLE DUARTE

The Senate proceeded to consider the bill (S. 1276) for the relief of Emilio Valle Duarte, which had been reported from the Committee on the Judiciary, with amendments, on page 1, line 6, after the word "be", to insert "issued a visa and be", and in line 10, after the word "States", to insert "Public Health Service, Department of Health, Education, and Welfare," so as to make the bill read:

Be it enacted, etc., That, notwithstanding the provisions of paragraph (6) of section 212 (a) of the Immigration and Nationality Act, Emilio Valle Duarte may, if he is found to be otherwise admissible under the provisions of such act, be issued a visa and be admitted to the United States for permanent resident under such conditions and controls as the Attorney General, after consultation with the Surgeon General of the United States Public Health Service, Department of Health, Education, and Welfare, deems necessary to impose: *Provided,* That a suitable or proper bond or undertaking, approved by the Attorney General, shall be given by or on behalf of the said Emilio Valle Duarte in the same manner and subject to the same conditions as bonds or undertakings given under section 213 of such act: *Provided further,* That this act shall apply only to grounds for exclusion under paragraph (6) of section 212 (a) of such act known to the Secretary of State or the Attorney General prior to the date of the enactment of this act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TRAINTAFILIA ANTUL

The Senate proceeded to consider the bill (S. 1472) for the relief of Traintafilia Antul, which had been reported from the Committee on the Judiciary, with amendments, in line 4, after the word act", to strike out "the minor child,"; in line 6, after the word "natural-born", to insert "minor", and, in the same line, after the word "alien", to strike out "minor", so as to make the bill read:

Be it enacted, etc., That, for the purposes of sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, Traintafilia Antul, shall be held and considered to be the natural-born minor alien child of Mr. and Mrs. Charles Antul, citizens of the United States.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

KLARA FRITZSCHE

The Senate proceeded to consider the bill (S. 1478) for the relief of Klara Fritzsche, which had been reported from the Committee on the Judiciary, with amendments, on page 1, line 6, after the word "be", to insert "issued a visa and be", and in line 10, after the word "States", to insert "Public Health Service, Department of Health, Education, and Welfare", so as to make the bill read:

Be it enacted, etc., That, notwithstanding the provisions of paragraph (6) of section 212 (a) of the Immigration and Nationality Act, Klara Fritzsche may, if she is found to be otherwise admissible under the provisions of such act, be issued a visa and be admitted to the United States for permanent residence, under such conditions and controls as the Attorney General, after consultation with the Surgeon General of the United States, Public Health Service, Department of Health, Education, and Welfare, deems necessary to impose. A suitable or proper bond or undertaking, approved by the Attorney

General, shall be given by or on behalf of the said Klara Fritzsche in the same manner and subject to the same conditions as bonds or undertakings given under section 213 of such act. This act shall apply only to grounds for exclusion under paragraph (6) of section 212 (a) of such act known to the Secretary of State or the Attorney General prior to the date of the enactment of this act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FUMIKO BIGELOW

The Senate proceeded to consider the bill (S. 1509) for the relief of Fumiko Bigelow, which had been reported from the Committee on the Judiciary, with amendments, on page 1, line 3, after the word "paragraph," to strike out "(9)" and insert "(3)"; in line 5, after the word "be", to insert "issued a visa and be", and in line 7, after the word "act", to insert a colon and *"Provided,* That if the said Fumiko Bigelow is not entitled to medical care under the Dependents' Medical Care Act (70 Stat. 250), a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the Immigration and Nationality Act. This"; so as to make the bill read:

Be it enacted, etc., That, notwithstanding the provisions of paragraph (3) of section 212 (a) of the Immigration and Nationality Act, Fumiko Bigelow may be issued a visa and be admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of such act: *Provided,* That if the said Fumiko Bigelow is not entitled to medical care under the Dependents' Medical Care Act (70 Stat. 250), a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the Immigration and Nationality Act. This act shall apply only to grounds for exclusion under such paragraph known to the Secretary of State or the Attorney General prior to the date of the enactment of this act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JULIA FODOR

The Senate proceeded to consider the bill (S. 1570) for the relief of Julia Fodor, which had been reported from the Committee on the Judiciary, with amendments, on page 1, line 3, after the numerals "212", to strike out "(2)" and insert "(a)", and on page 2, line 3, after the word "act", to insert a colon and *"And provided further,* That the exemption granted herein shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this act.", so as to make the bill read:

Be it enacted, etc., That, notwithstanding the provisions of section 212 (a) (6) of the Immigration and Nationality Act, Mrs. Julia Fodor may be admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of such act, under such conditions and controls which the Attorney General, after consultation with the Surgeon General of the United States Public Health Service, Department of Health, Education, and Welfare, may deem necessary to impose: *Provided,* That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said act: *And provided further,* That the exemption granted herein shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RELIEF OF CERTAIN ALIENS

The joint resolution (H. J. Res. 316) for the relief of certain aliens was considered, ordered to a third reading, read the third time, and passed.

JOINT RESOLUTION PASSED OVER

The joint resolution (H. J. Res. 322) for the relief of certain aliens was announced as next in order.

Mr. BARRETT. Over.

The PRESIDING OFFICER. The joint resolution will be passed over.

RELIEF OF CERTAIN ALIENS

The Senate proceeded to consider the joint resolution (H. J. Res. 324) to waive certain provisions of section 212 (a) of the Immigration and Nationality Act in behalf of certain aliens, which had been reported from the Committee on the Judiciary with amendments, on page 1, at the beginning of line 3, to strike out:

That, in the administration of the Immigration and Nationality Act, Mrs. Christa Ernst, the fiance of Sfc. Lester F. Druse, a citizen of the United States, shall be eligible for a visa as a nonimmigrant temporary visitor for a period of 3 months: *Provided,* That the administrative authorities find that the said Mrs. Christa Ernst is coming to the United States with a bona fide intention of being married to the said Sfc. Lester F. Druse and that she is found to be otherwise admissible under all of the provisions of the Immigration and Nationality Act other than section 212 (a) (9) and (12) of that act. In the event the marriage between the above-named persons does not occur within 3 months after the entry of the said Mrs. Christa Ernst, she shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 242 and 243 of the Immigration and Nationality Act. In the event that the marriage between the above-named persons shall occur within 3 months after the entry of the said Mrs. Christa Ernst, the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Mrs. Christa Ernst as of the date of the payment by her of the required visa fee.

On page 2, at the beginning of line 15, to strike out "SEC. 2. Notwithstanding" and insert "That, notwithstanding"; on page 3, after line 3, to strike out:

SEC. 4. Notwithstanding the provisions of section 212 (a) (9) and (19) of the Immigration and Nationality Act, Andres Amadeo Macha may be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that act.

At the beginning of line 9, to change the section number from "5" to "3"; at the beginning of line 23, to change the section number from "6" to "4"; on page 4, line 1, after the initial "M.", to strike out "Herrera" and insert "Herrera-Medina", and at the beginning of line 5, to change the section number from "7" to "5."

Mr. JOHNSTON of South Carolina. Mr. President, may we have an explanation of the joint resolution?

Mr. EASTLAND. Mr. President, House Joint Resolution 324 waives various excluding provisions of existing law in behalf of four persons who are the spouses or close relatives of United States citizens. Without the waivers provided for in the joint resolution, the beneficiaries will be unable to join their families in the United States.

The PRESIDING OFFICER. The question is on agreeing to the committee amendments.

The amendments were agreed to.

The amendments were ordered to be engrossed and the joint resolution to be read the third time.

The joint resolution was read the third time and passed.

MRS. RHEA SILVERS

The Senate proceeded to consider the bill (H. R. 2070) for the relief of Mrs. Rhea Silvers, which had been reported from the Committee on the Judiciary, with an amendment on page 2, line 3, after the word "act", to strike out "in excess of 10 percent thereof".

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

JUDGESHIP FOR THE DISTRICT OF SOUTH DAKOTA

The bill (S. 2413) to clarify the authority of the President to fill the judgeship for the district of South Dakota authorized by the act of February 10, 1954, and to repeal the prohibition contained in such act against filling the next vacancy occurring in the office of district judge for such district was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the President is authorized to appoint, by and with the advice and consent of the Senate an additional district judge for the district of South Dakota as authorized by paragraph (3) of section 2 (b) of the act of February 10, 1954. The second sentence of such paragraph, which prohibits the filling of the first vacancy occurring in the office of district judge for said district, is hereby repealed. In order that the table contained in section 133 of title 18 of the United States Code will reflect the change made by this act in the number of permanent judgeships for the district of South Dakota, such table is amended to read as follows with respect to said district:

"Districts	Judges
* * * * *	
South Dakota	2
* * * * *	."

Mr. EASTLAND subsequently said: Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. EASTLAND. Did Order No. 575, S. 2413, go over, or was it passed?

The PRESIDING OFFICER. S. 2413 was passed.

BILLS PASSED OVER

The bill (S. 1386) to authorize the Interstate Commerce Commission to prescribe rules, standards, and instructions for the installation, inspection, maintenance, and repair of power on train brakes was announced as next in order.

Mr. BARRETT. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2377) to amend chapter 223, title 18, United States Code, to provide for the production of statements and reports of witnesses, was announced as next in order.

Mr. TALMADGE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 4830) to authorize revision of the tribal roll of the Eastern Band of Cherokee Indians, North Carolina, and for other purposes was announced as next in order.

Mr. MORSE. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 7383) to amend the Atomic Energy Act of 1954, as amended, and for other purposes was announced as next in order.

Mr. TALMADGE. Over.

The PRESIDING OFFICER. The bill will be passed over.

COMPUTATION OF ANNUAL INCOME FOR PAYMENT OF PENSION FOR NON-SERVICE-CONNECTED DISABILITY

The Senate proceeded to consider the bill (S. 2080) relating to the computation of annual income for the purpose of payment of pension for non-service-connected disability or death in certain cases, which had been reported from the Committee on Finance, with amendments, on page 2, after line 4, to strike out:

SEC. 2. This act shall take effect on the date its enactment.

And insert:

SEC. 2. Section 1 of this act shall take effect on the date of its enactment and shall cease to be in effect on January 1, 1958.

After line 9, to insert:

SEC. 3. Section 403 of the Veterans' Benefits Act of 1957, Public Law 85-56, is amended by deleting the word "and" immediately preceding item (5); by substituting a semicolon followed by the word "and" at the end of section (5); and by adding the following new section:

"(6) payments of bonus or similar cash gratuity by any State, Territory, possession, or Commonwealth of the United States, or the District of Columbia, based on military, naval, or air service."

So as to make the bill read:

Be it enacted, etc., That in determining "annual income" under the provisions of paragraph II (a) of part III, Veterans Regulation No. 1 (a), as amended (38 U. S. C., ch. 12A), and section 1 (c) of the act of June 28, 1934, as added by section 1 of the act of July 19, 1939 (53 Stat. 1068), and as amended (38 U. S. C. 503 (c)), payment of a bonus or similar cash gratuity to a veteran or his survivors by any State based on service in the Armed Forces of the United States shall not be considered. The term "State" means each of the several States, Territories, and possessions of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

SEC. 2. Section 1 of this act shall take effect on the date of its enactment and shall cease to be in effect on January 1, 1958.

SEC. 3. Section 403 of the Veterans' Benefits Act of 1957, Public Law 85-56, is amended by deleting the word "and" immediately preceding item (5); by substituting a semicolon followed by the word "and" at the end of section (5); and by adding the following new section:

"(6) payments of bonus or similar cash gratuity by any State, Territory, possession, or Commonwealth of the United States, or the District of Columbia, based on military, naval, or air service."

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXTENSION OF EFFECTIVENESS OF MISSING PERSONS ACT

The bill (S. 2449) to continue the effectiveness of the Missing Persons Act, as extended until April 1, 1958, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That section 15, Missing Persons Act (56 Stat. 147, 1093), as amended, is further amended by deleting "July 1, 1957" and inserting in lieu thereof "April 1, 1958".

Mr. CASE of South Dakota subsequently said: Mr. President, what happened to Calendar No. 582, S. 2449?

The PRESIDING OFFICER. The bill (S. 2449) was passed.

BILLS PASSED OVER

The bill (S. 1869) to amend the Tennessee Valley Authority Act of 1933, as amended, and for other purposes, was announced as next in order.

Mr. BARRETT. I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2150) to revise the Federal election laws, to prevent corrupt practices in Federal elections, and for other purposes, was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. BARRETT. Over.

The PRESIDING OFFICER. The bill will be passed over.

PAYMENT OF GRATUITY TO MARGARET BURNS RAYMOND

The resolution (S. Res. 157) to pay a gratuity to Margaret Burns Raymond was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Margaret Burns Raymond, widow of Allen Raymond, an employee of the Senate at the time of his death, a sum equal to 3 months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

PAYMENT OF GRATUITY TO MILDRED M. BENNICKER

The resolution (S. Res. 158) to pay a gratuity to Mildred M. Bennicker was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Mrs. Mildred M. Bennicker, sister and administratrix of the estate of Byron C. Wagner, an employee of the Senate at the time of his death, a sum equal to 5 months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

PAYMENT OF GRATUITY TO DAVID JOHN BRENNAN AND JOHN F. BRENNAN

The resolution (S. Res. 159) to pay a gratuity to David John Brennan and John F. Brennan was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to David John Brennan and John F. Brennan, brothers of William M. Brennan, an employee of the Senate at the time of his death, a sum to each equal to 4¾ months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

DISPLAY OF THE "FLAG OF LIBERATION"

The joint resolution (S. J. Res. 103) to provide for the permanent preservation and display of the "Flag of Liberation" was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved, etc., That the Architect of the Capitol is hereby directed to transfer said flag to the custody of the National Archives.

SEC. 2. The Archivist of the United States is hereby dirceted to suitably display said flag where it shall be available for viewing by the public and to permanently preserve it as the "Flag of Liberation" and the symbol of hope.

VALIDATION OF CONVEYANCE BY CENTRAL PACIFIC RAILWAY CO. TO THE STATE OF NEVADA

The Senate proceeded to consider the bill (S. 1773) to validate a certain conveyance made by Central Pacific Railway Co. to the State of Nevada.

Mr. MORSE. Mr. President, the bill would authorize the validation of a conveyance made by quitclaim deed from the Central Pacific Railway Co. to the State of Nevada in 1953.

The quitclaim covered approximately 2½ acres of railroad right-of-way lands, and was issued pursuant to a land-exchange agreement whereby the railroad received, in 1902, certain lands of

the Nevada State Hospital for relocation of its right-of-way.

Congressional approval is required because, under existing law, such an exchange is not one of the purposes for which a railroad right-of-way may be granted pursuant to Federal law.

In view of the fact that in 1902 the railroad received land from the State of Nevada for relocation purposes, without consideration, such exchanged land was in substitution for land to which the railroad would have been entitled to receive from the Federal Government under the laws relating to Federal railroad grants.

Therefore, no violation of the Morse formula is involved.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the conveyance in the form of a quitclaim deed executed by Central Pacific Railway Co., a corporation, and its lessee, Southern Pacific Co., a corporation, as grantors, to the State of Nevada, as grantee, under date of January 12, 1953, for the use and benefit of the Nevada State Hospital for Mental Diseases, and recorded in the office of the county recorder of Washoe County, State of Nevada, on the 21st day of March 1953, book No. 318 of deeds, page 300, official records of said county, involving certain lands or interests therein in the city of Reno, county of Washoe, State of Nevada, and forming a part of the right-of-way of said Central Pacific Railway Co. granted by the Government of the United States of America by an act of Congress approved July 1, 1862, entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean and to secure to the Government the use of the same for postal, military, and other purposes" (12 Stat. L. 489), and by said act as amended by act of Congress approved July 2, 1864, entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862" (13 Stat. L. 356), is hereby legalized, validated, and confirmed with the same force and effect as if the land involved therein had been held at the time of such conveyance by the above-named grantors making the same under absolute fee-simple title: *Provided*, That such legislation, validation, and confirmation shall not diminish said right-of-way to a width less than 50 feet on either side of the center of the main track or tracks of said Central Pacific Railway Co. as now established: *Provided further*, That nothing herein contained is intended or shall be construed to legalize, validate, or confirm any rights, titles, or interests based upon or arising out of adverse possession, prescription, or abandonment, and not confirmed by conveyance heretofore made by Central Pacific Railway Co., and its lessee, Southern Pacific Co.: *And provided further*, That there shall be reserved to the United States all oil, coal, or other minerals in the land, and the right to prospect for, mine, and remove the same under such rules and regulations as the Secretary of the Interior may prescribe.

CONVEYANCE OF CERTAIN REAL PROPERTY TO THE NEVADA STATE BOARD OF FISH AND GAME COMMISSIONERS

The bill (S. 556) to provide for the conveyance of certain real property to the Nevada State Board of Fish and Game Commissioners was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Interior and Insular Affairs with amendments on page 1, at the beginning of line 4, to insert "State of Nevada for the use of the", and after line 8, to strike out:

Township 20 south, range 61 east, Mount Diablo base and meridian: In section 30, beginning at a point in the centerline of Vegas Drive from which the northwest corner of section 30 bears south 89 degrees 23 minutes 45 seconds west 675.93 feet, and proceeding south 00 degrees 47 minutes 30 seconds east 30 feet to northwest corner of property; thence south 00 degrees 47 minutes 30 seconds east 477.0 feet; thence north 89 degrees 23 minutes 45 seconds east 100.35 feet; thence north 13 degrees 41 minutes 00 seconds east, 492.19 feet; thence south 89 degrees 23 minutes 45 seconds west, 223.38 feet to the northwest property corner; north 00 degrees 47 minutes 30 seconds west 30 feet to point of beginning, containing 1.772 acres of land, more or less.

And insert:

Township 20 south, range 61 east, Mount Diablo meridian: In section 30, that part of lot 1 bounded as described as follows:

Beginning at corner 1, a point in the centerline of Vegas Drive, from which point the northwest corner of said section 30 bears south 89 degrees 23 minutes 45 second west 675.93 feet distant; thence south 00 degrees 47 minutes 30 second east, 507.00 feet to corner 2; thence north 89 degrees 23 minutes 45 seconds east, 100.35 feet to corner 3; thence north 13 degrees 41 minutes 00 seconds east, 523.15 feet to corner 4, a point in the centerline of Vegas Drive; thence with said centerline south 89 degrees 23 minutes 45 seconds west, 231.12 feet to the place of beginning;

Bounded on the north by the centerline of Vegas Drive; on the east and south by land of the city of Las Vegas; and on the west by land of the United States; containing 1.93 acres, be the same more or less.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior shall convey, to the State of Nevada for the use of the Nevada State Board of Fish and Game Commissioners, all right, title, and interest of the United States in and to the real property situated in Clark County, Nev., which is more particularly described as follows:

Township 20 south, range 61 east, Mount Diablo meridian: In section 30, that part of lot 1 bounded as described as follows:

Beginning at corner 1, a point in the centerline of Vegas Drive, from which point the northwest corner of said section 30 bears south 89 degrees 23 minutes 45 seconds west 675.93 feet distant; thence south 00 degrees 47 minutes 30 seconds east, 507.00 feet to corner 2; thence north 89 degrees 23 minutes 45 seconds east, 100.35 feet to corner 3; thence north 13 degrees 41 minutes 00 seconds east, 523.15 feet to corner 4, a point in the centerline of Vegas Drive; thence with said centerline south 89 degrees 23 minutes 45 seconds west, 231.12 feet to the place of beginning;

Bounded on the north by the centerline of Vegas Drive; on the east and south by land of the city of Las Vegas; and on the west by land of the United States; containing 1.93 acres, be the same more or less.

Mr. MORSE. Mr. President, this bill would authorize the conveyance from the Federal Government, without consideration, of a 2-acre tract to the State of Nevada.

The 2 acres are a portion of 60 acres originally donated to the Federal Government by the city of Las Vegas for use as a Fish and Wildlife Service fish-culture station.

The original conveyance contained a clause providing for reversion to Las Vegas if the Federal Government did not use the land for fish-culture purposes.

The tract covered by the bill is surplus to the needs of the Federal Government.

Since the original deed contains a reversionary clause in favor of the city, there is some question as to why this bill, calling for conveyance to the State, is necessary. The report is silent on that subject.

However, since the original conveyance was gratuitous and the tract is surplus to the needs of the Federal Government, no violation of the Morse formula would be involved in the bill.

The PRESIDING OFFICER. The question is on agreeing to the committee amendments.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the conveyance of certain real property of the United States situated in Clark County, Nev., to the State of Nevada for the use of the Nevada State Board of Fish and Game Commissioners."

GRANTING OF EASEMENT IN CERTAIN LANDS TO THE CITY OF LAS VEGAS, NEV.

The bill (S. 1645) to authorize the Secretary of the Interior to grant easements in certain lands to the city of Las Vegas, Nev., for road widening purposes was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Interior and Insular Affairs with amendments on page 2, at the beginning of line 1, to strike out:

TRACT NUMBERED 1

The east 45 feet of the west 75 feet of the north 507 feet of the northwest quarter of the northwest quarter of section 30, township 20 south, range 61 east, Mount Diablo meridian; save and except the north 40 feet thereof.

After line 10, to insert:

TRACT NUMBERED 2

The south 10 feet of the north 40 feet of the west 675.93 feet of the northwest quarter of the northwest quarter of section 30, township 20 south, range 61 east, Mount Diablo meridian; save and except the west 30 feet thereof.

After line 10, to insert:

PARCEL NUMBERED 1

The east 45 feet of the west 75 feet of the north 507 feet of the northwest quarter of the northwest quarter of section 30, township 20 south, range 61 east, Mount Diablo meridian; save and except the north 40 feet thereof.

After line 15, to insert:

PARCEL NUMBERED 2

A strip of land 10 feet wide in the northwest quarter northwest quarter of said section 30 having for its beginning corner a point 30 feet east and 30 feet south of the northwest corner of said section; thence north 89 degrees 23 minutes 45 seconds east with a line 30 feet south of and parallel with the north line of said section a distance of 869.42 feet (approximately) to the east line of the aforesaid land of the United States; thence south 13 degrees 41 minutes west 10.32 feet (approximately) to the southeast corner or said 10-foot strip herein described; thence south 89 degrees 23 minutes 45 seconds west with a line 40 feet south of and parallel with the north section line 866.87 feet (approximately) to a point 30 feet east and 40 feet south of the northwest section corner; thence north 10 feet to the beginning.

And, on page 3, after line 6, to insert:

The above-described 2 parcels contain 0.68 acre, more or less.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior is authorized and directed to grant and convey to the city of Las Vegas, Nev., without consideration, and subject to such conditions as the Secretary may deem necessary, perpetual easements for road widening purposes in two small strips of land in the city of Las Vegas, Nev., owned by the United States (under the jurisdiction of the Fish and Wildlife Service, Department of the Interior), described as follows:

PARCEL NUMBERED 1

The east 45 feet of the west 75 feet of the north 507 feet of northwest quarter of the northwest quarter of section 30, township 20 south, range 61 east, Mount Diablo meridian; save and except the north 40 feet thereof.

PARCEL NUMBERED 2

A strip of land 10 feet wide in the northwest quarter northwest quarter of said section 30 having for its beginning corner a point 30 feet east and 30 feet south of the northwest corner of said section; thence north 89 degrees 23 minutes 45 seconds east with a line 30 feet south of and parallel with the north line of said section a distance of 869.42 feet (approximately) to the east line of the aforesaid land of the United States; thence south 13 degrees 41 minutes west 10.32 feet (approximately) to the southeast corner of said 10-foot strip herein described; thence south 89 degrees 23 minutes 45 seconds west with a line 40 feet south of and parallel with the north section line 866.87 feet (approximately) to a point 30 feet east and 40 feet south of the northwest section corner; thence north 10 feet to the beginning.

The above-described two parcels contain 0.68 acre, more or less.

Mr. MORSE. Mr. President, this bill would authorize the Secretary of the Interior to convey to Las Vegas, without consideration, perpetual easements for road widening purposes. The land consists of approximately one-half acre.

The land in question was granted to the United States by the city in 1937, without consideration, for use by the Fish and Wildlife Service.

The report—No. 579—says the United States has no need for the one-half acre, and that the highway improvement would be beneficial to the Fish and Wildlife Service.

In view of the original gratuitous conveyance to the United States, the lack of need for the one-half acre by the Federal Government, and the benefit to the Fish and Wildlife Service through the highway improvement, it appears no violation of the Morse formula is involved.

The PRESIDING OFFICER. The question is on agreeing to the committee amendments.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DEVELOPMENT OF COAL ON THE PUBLIC DOMAIN

The bill (S. 2069) to amend section 27 of the Mineral Leasing Act of February 25, 1920, as amended, in order to promote the development of coal on the public domain, was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs with amendments on page 2, at the beginning of line 3, to insert "after public hearing"; in the same line, after the word "that", to strike out "(1)"; and, in the same line, after the word "is", to insert "in the public interest and"; in line 4, after the word "necessary", to strike out "to enable" and insert "for"; at the beginning of line 5, to insert "in order"; and, in the same line, after the word "economically", to strike out "or (2) such person, association, or corporation is carrying on mining operations—including developments in furtherance or incidental thereto—under any such lease in such State or is commencing such operations, may permit such person, association, or corporation to take or hold coal leases or permits for an additional aggregate of ten thousand two hundred and forty acres in such State." and insert "may, under such regulations as he may prescribe, permit such person, association, or corporation to hold additional coal leases or permits in multiples of forty acres each not to exceed a total of five thousand one hundred and twenty acres in such State.", and after line 16, to insert:

SEC. 2. Subsection (c) of section 2 of such act of February 25, 1920, as amended (30 U. S. C. 202), is repealed.

So as to make the bill read:

Be it enacted, etc., That section 27 of the act of February 25, 1920, as amended (41 Stat. 448, 30 U. S. C. 184), is further amended by deleting from the first sentence thereof the words "coal or" and "for each of said minerals," and inserting at the beginning of said section the following:

"No person, association, or corporation, except as herein provided, shall take or hold coal leases or permits during the life of such lease in any one State, exceeding in the aggregate acreage 10,240 acres, except that the Secretary of the Interior, where he finds, after public hearing, that it is in the public interest and necessary for a person, association, or corporation in order to carry on business economically, may, under such regulations as he may prescribe, permit such person, association, or corporation to hold additional coal leases or permits in multiples of 40 acres each not to exceed a total of 5,120 acres in such State."

SEC. 2. Subsection (c) of section 2 of such act of February 25, 1920, as amended (30 U. S. C. 202), is repealed.

Mr. BARRETT. Mr. President, I ask unanimous consent to have printed in the RECORD at this point a statement in explanation of the bill.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR BARRETT

The bill, S. 2069, was introduced by my colleague, Senator O'MAHONEY, and myself. The bill has two objectives: (1) to increase the maximum acreage which may be held under a coal lease or permit under the Mineral Leasing Act from 5,120 acres to 10,240 acres, with a provision that after public hearing and upon proper showing, the Secretary of the Interior in his discretion may grant an additional lease of not to exceed 5,120 acres, and (2) to repeal the provisions of section 2 (c) of the Mineral Leasing Act which requires that a railroad company can use coal produced under a Federal lease solely for the operation of its railroad.

The Secretary of the Interior submitted a favorable report on the bill. The Bureau of the Budget concurred in the views expressed by the Secretary and reported that it had no objection to the enactment of the bill. The bill was reported unanimously by our Senate Interior Committee. Many witnesses appeared at the hearing before the committee in support of the bill and no one appeared in opposition thereto.

Wyoming is blessed with an abundance of coal. Coal deposits have been found in every county in Wyoming. The Federal Government owns the coal under 70 percent of the area of our State. The Federal lands are estimated to contain 84 billion tons of coal. Coal is one of Wyoming's greatest natural resources. In 1940 there were 126 commercial and 11 captive, making a total of 137 coal mines in operation in our State. In 1956 only 20 commercial and 4 captive, making a total of 24 mines in operation. The average number of men employed in coal mining in Wyoming has decreased from 4,321 in 1940 to 1,016 in 1956.

If this bill is passed we have every reason to believe that several large power installations will be constructed at different points in our State that will use and develop our coal resources and give employment to many of our people.

Secretary Seaton in his favorable report on the bill stated the case in this fashion: "An increase in the maximum acreage which may be held under a coal lease or permit now appears necessary if the Federal Government is to permit the more complete utilization of

low and medium grade coal deposits under the more modern methods of mechanized mining. * * * There are in the Western States extensive coal deposits amenable to strip mining which could provide a low-cost source of coal supply and could be utilized for power production to firm up hydroelectric power. Thus, an increase in acreage limitation would tend to provide energy sources which are demanded by our expanding economy and would be in the national interest."

The bill will make it possible for widespread development of our coal resources and the conversion of the coal into low-cost power to meet the expanding industrial needs of Wyoming. In addition, the bill will enable the Union Pacific Railroad Co. to expand its present coal mining business under its proposed dual operation of extracting synthetic fuels and tars and using the char for the purpose of generating electric power and thereafter using the power to process iron ore from its tremendous iron ore holdings at Iron Mountain, northwest of Cheyenne, Wyo.

The coal reserves of Wyoming have been estimated at 121 billion tons, of which 13 billion tons is butuminous coal and 108 is sub-bituminous coal. This bill will, in my judgment, make possible a revival of the coal mining industry in our State.

I am confident that not only Wyoming but many other western coal states will be benefited by this legislation and that the bill will add materially to the economic growth and development of all of the mountain West.

The PRESIDING OFFICER. The question is on agreeing to the committee amendments.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF FEDERAL CROP INSURANCE ACT

The bill (H. R. 632) to amend the Federal Crop Insurance Act, as amended, was considered, ordered to a third reading, read the third time, and passed.

Mr. ELLENDER subsequently said: Mr. President, I ask unanimous consent that a statement in explanation of H. R. 632 be printed in the RECORD at the point in the RECORD where the bill was passed.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR ELLENDER

This bill would authorize the Federal Crop Insurance Corporation to reinsure crop insurance issued by the Commonwealth of Puerto Rico. Such reinsurance would be provided only under terms and conditions consistent with sound reinsurance principles, and then only if private reinsurance should become unavailable. The bill's purpose is to provide a safeguard for the Puerto Rican coffee crop insurance program, if private reinsurance contracts should suddenly be terminated; and no cost to the Government is contemplated.

AMENDMENT OF SOIL CONSERVATION AND DOMESTIC ALLOTMENT ACT

The Senate proceeded to consider the bill (H. R. 1045) to amend the Soil Conservation and Domestic Allotment Act, as amended, which had been reported from the Committee on Agriculture with an amendment to strike out all after the enacting clause and insert:

That section 8 of the Soil Conservation and Domestic Allotment Act, as amended (16 U. S. C. 590h), is amended by striking out of subsection (a) "January 1, 1959" and "December 31, 1958", wherever they appear therein, and inserting in lieu thereof "January 1, 1963" and "December 31, 1962", respectively.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. ELLENDER subsequently said: Mr. President, I ask unanimous consent to have printed in the RECORD at the point where H. R. 1045 was passed, a statement in explanation of the bill.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR ELLENDER

This bill would extend the Secretary of Agriculture's authority to administer the agricultural conservation payment program pending the approval of State plans. When the program was authorized in 1936, it was contemplated that it would be carried out by the States with the aid of Federal grants. In order to give the States an opportunity to pass authorizing legislation and submit appropriate plans, the Secretary of Agriculture was given authority to administer the program for 2 years. The Secretary's authority has since been extended from time to time, and the latest extension is effective until December 31, 1958. Only 24 States now have authorizing legislation and it is not likely that the States will assume administration of the program in the near future, although the bill still provides for State administration.

As passed by the House, the bill would have extended the Secretary's authority indefinitely, so long as State plans are not approved. The Senate Commitee on Agriculture and Forestry has recommended that the bill be extended only for 4 years, until December 31, 1962, provided, of course, that State plans are not approved in the meantime. The committee felt that this program is one for which the authorizing legislation should be reviewed by Congress from time to time, and the committee substitute consequently would limit the extension to 4 years.

The PRESIDING OFFICER. That concludes the call of the calendar.

STATUS OF APPROPRIATION BILLS AS OF JULY 8, 1957

Mr. JOHNSON of Texas. Mr. President, a parliamentary inquiry. The——

The PRESIDING OFFICER. The Senator will state it.

Mr. JOHNSON of Texas. What is the pending business?

The PRESIDING OFFICER. The pending business is the Niagara power bill.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent to have printed in the RECORD at this point a statement relative to the status of appropriation bills as of July 8, 1957.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Status of appropriation bills as of July 8, 1957

Bill	Subcommittee chairman	Passed House	Status
2d urgent deficiency, 1957	Hayden	Apr. 15	Passed Senate Apr. 16, approved Apr. 16, Public Law 15.
Additional deficiency, 1957	do	Apr. 17	Passed Senate Apr. 18, approved Apr. 20, Public Law 19.
Treasury-Post Office	Robertson	Feb. 20	Passed Senate May 13, approved May 28, Public Law 37.
General Government matters	Magnuson	Mar. 13	Passed Senate May 22, approved June 5, Public Law 48.
State-Justice-Judiciary-USIA	Johnson	Apr. 17	Passed Senate May 15, approved June 11, Public Law 49.
Commerce	Holland	Apr. 9	Passed Senate May 17, approved June 13, Public Law 52.
3d supplemental, 1957	Hayden	May 7	Passed Senate May 20, approved June 21, Public Law 58.
District of Columbia	Pastore	Apr. 8	Passed Senate June 11, approved June 27, Public Law 61.
Labor-Health, Education, and Welfare	Hill	Apr. 4	Passed Senate June 12, approved June 29, Public Law 67.
Independent offices	Magnuson	Mar. 20	Passed Senate June 12, approved June 29, Public Law 69.
Legislative	Stennis	May 23	Passed Senate June 27, approved July 1, Public Law 75.
Interior	Hayden	Feb. 26	Passed Senate June 24, approved July 1, Public Law 77.
Agriculture	Russell	May 15	Passed Senate June 12; conference report to be filed July 8.
Defense	Chavez	May 29	Passed Senate July 2; conference, week of July 8.
Public works	Ellender	June 19	Subcommittee markup July 9.
Mutual security	Hayden	----------	House holding hearings; Senate hearings, week of July 15.
Supplemental, 1958	Full committee	----------	

Mr. JOHNSON of Texas. Mr. President, the statement shows that the Senate has acted on 14 of the 17 appropriation bills, and that 12 of them have been sent to the President. The agricultural and defense appropriation bills are still to be acted on in conference. The public works appropriation bill, which passed the House on June 19, will be marked up tomorrow. The mutual security appropriation bill has not been acted upon, because the House has not acted on the authorization bill, although the Senate passed the authorization bill some time ago.

Of course we shall also have to consider the final supplemental appropriation bill, which has not been submitted as yet.

The PRESIDING OFFICER. What is the pleasure of the Senate?

SENATE LEGISLATIVE ACTIVITY THROUGH JUNE 30, 1957

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent to have printed in the RECORD at this point a statement on the legislative activity of the Senate for the 1st sessions of the 80th through the 85th Congress. I may say that I shall bring the table up to date after the call of the calendar today.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Senate legislative activity through June 30

	80th Cong., 1st sess.	81st Cong., 1st sess.	82d Cong., 1st sess.	83d Cong., 1st sess.	84th Cong., 1st sess.	85th Cong., 1st sess.
Days in session	106	109	101	98	84	87
Hours	575:12	644:29	545:36	542:55	414:38	477:29
Total measures passed by Senate	391	522	485	419	700	546
Senate bills	140	205	186	184	346	301
House bills	128	101	161	113	239	85
Senate joint resolutions	29	16	9	15	15	14
House joint resolutions	21	18	12	8	10	22
Senate concurrent resolutions	5	22	16	13	16	17
House concurrent resolutions	9	10	10	10	8	17
Senate resolutions	59	60	91	76	66	90
Public laws	145	154	69	100	111	74
Confirmations	25,627	47,805	21,141	21,309	36,748	30,179

Mr. JOHNSON of Texas. The table shows that in the first session of the 80th Congress the Senate was in session 575 hours and that it passed 391 measures. In the first session of the 81st Congress it was in session 644 hours and passed 522 bills. In the first session of the 82d Congress the Senate was in session 545 hours and passed 485 measures. In the first session of the 83d Congress the Senate was in session 542 hours, and passed 419 measures. In the first session of the 84th Congress it was in session 414 hours and passed 700 measures. In the first session of the 85th Congress the Senate has been in session 477 hours and has passed 546 measures.

Thus far this session we have passed, as of today, 84 public laws, the last one being signed on July 3.

I might add that the Senate has also confirmed 30,179 nominations thus far this year.

ORDER OF BUSINESS

Mr. JOHNSON of Texas. Mr. President, I am informed that at 2 o'clock the distinguished minority leader will make a motion. It is my information, which I have obtained from Members of the Senate, as agents of the Senate, that the minority leader and other Members of the Senate, after the motion is made, will object to proceeding to the consideration of any other proposed legislation except such as may be of an extreme emergency nature, or legislation that all Members of the Senate can agree should be acted upon by unanimous consent.

I should like to inform all my colleagues that the minority leader, in his usual gracious and courteous manner, has told me that, after he makes the motion he is expected to make, except for emergency measures or for unanimous-consent measures, he and those who support him will resist any motion to proceed to other business or any request to proceed to the consideration of other business except by unanimous consent in connection with a measure of an urgent and emergency nature.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I yield.

Mr. MANSFIELD. Can the majority leader tell us if a long session is anticipated today?

Mr. JOHNSON of Texas. It is expected that the Senate will remain in session through the afternoon and into the evening. I would not want to foreclose any Senator who is ready to speak and desires to speak today from doing so. I want to be considerate and rational about the procedure. I do not want to tie myself to any definite hour; but it would be my suggestion that the Senate try to operate as it usually does and remain in session until 6, 6:30, or 7 o'clock. I hope that will meet with the approval of the other Members of the Senate. This is merely the view of the Senator from Texas. I think the minority leader concurs in it.

Mr. KNOWLAND. Yes.

Mr. KERR. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I yield.

Mr. KERR. Is the Senator from Oklahoma correct in his understanding that S. 2406 is the pending business?

Mr. JOHNSON of Texas. Is that the Niagara power bill?

Mr. KERR. That is the bill which authorizes the construction of certain works and improvements in the Niagara River for power and other purposes.

Mr. JOHNSON of Texas. That is the pending business, and will be, I think, for some time. I would not want to calculate just how long it will be the pending business, but it is now.

Mr. KERR. Has the distinguished majority leader given consideration to a unanimous consent request for limited debate on that bill and then to the consideration of its passage?

Mr. JOHNSON of Texas. I have not. I do not think the Senate could pass it in the next 7 minutes. I think in 7 minutes we shall be confronted with another motion which will occupy the attention of the Senate for some time.

Mr. KERR. I may say to the distinguished Senator from Texas and to the other Members of the Senate that, in my judgment, a most critical situation has arisen because of the water washing out the foundation of the powerplant at Niagara and tumbling it into the river.

The Committee on Public Works spent days—in fact, months—in drafting a bill which is in the form of a very justifiable compromise, in the opinion of the Senator from Oklahoma. In view of the extreme emergency which exists at that location, as it affects the people and the cities in that area, I urge upon the distinguished majority leader the consideration of a unanimous consent request which will enable the Senate, in a relatively short time, in my judgment, to act on and dispose of the bill before it gets behind what might be an interminable logjam.

Mr. JOHNSON of Texas. I may state that I am in hearty agreement with the statement of the Senator from Oklahoma. I favor the bill. I think it is a very desirable proposal. The distinguished Governor of New York has discussed it with the majority leader on several occasions. I am very happy to know that the Senator from Oklahoma has thoroughly considered the bill, and that the committee has reported it. It will be the purpose of the majority leader to bring the bill to the attention of the Senate at the earliest possible date, although I must say, for the information of all Senators, that I have been informed that after the motion is made at 2 o'clock, unless unanimous consent can be obtained, no other bill, unless it is of an emergency nature, will be acted upon. I do not think the bill to which the Senator from Oklahoma refers will receive unanimous consent.

Mr. KERR. I shall make one more brief comment. In the opinion of the Senator from Oklahoma and of the Committee on Public Works, there are two bills on the calendar which are of an emergency nature. One has to do with the authorization of the Power Authority of the State of New York to construct and continue in operation the power project at Niagara. The other bill enables the Tennessee Valley Authority Board of Directors to issue self-liquidating revenue bonds to meet the absolute necessity for expanding facilities in the present service area of the Tennessee Valley Authority.

Both bills are regarded as being of an extreme emergency in the areas which they affect. I urge upon Senators who will determine the course of action of the Senate their very serious and equitable consideration of the emergency nature of both the Niagara bill and the Tennessee Valley Authority bill, because I feel that if Senators will give them the consideration to which their emergency status entitles them, arrangements will be made for their consideration and action upon them by the Senate.

Mr. JOHNSON of Texas. I deeply appreciate the suggestion of my able friend from Oklahoma. The majority leader will explore the matter with the minority leader and other Senators interested in the proposed legislation. I am deeply interested in early action on both bills. I consider them to be meritorious measures. The Committee on Public Works has been very diligent and very considerate. I applaud them for reporting the two bills. I am certain the Senate, before it adjourns sine die, will want to take action upon both of them. However, I do

not have much hope that agreements can be obtained to pass upon the bills during the consideration of the civil rights question. But when the civil rights matter has been concluded, I shall be glad to see if it will not be possible for the Senate to pass both the bills to which the Senator from Oklahoma has referred. If they can be brought up by unanimous consent, I will so notify the Senator from Oklahoma.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I yield.

Mr. O'MAHONEY. On July 1 I had the honor to report from the Committee on the Judiciary a bill to amend chapter 223 of title 18 of the United States Code, to provide for the production of statements and reports of witnesses. The measure was regarded by the Committee on the Judiciary as a measure of an emergency nature, because its purpose is to do away with certain confusion and misinterpretations of the decision of the Supreme Court in the Jencks case.

The Department of Justice has found itself obliged to forego the prosecution of narcotics law offenders of a very grievous character because the courts, the newspapers, and the commentators on television and radio have not clearly understood the meaning of that decision.

As I stated at the hearing on the bill, the Supreme Court is not regarded as being on trial; but the Jencks case decision contained language that led to a misinterpretation and to confusion. The committee sought to correct that. Several amendments to the bill were offered, one by the distinguished Senator from Ohio [Mr. BRICKER], and one by the distinguished Senator from Oregon [Mr. MORSE]. Other Members of the Senate have spoken to me about those amendments and about other defects in the bill.

I want the Senate to understand that we have been authorized by the subcommittee which was given the authority by the full committee to make adjustments with respect to the amendments that have been suggested. An amendment will be offered to protect the right of discovery, a right which is, of course, recognized by the rules of procedure.

An amendment will be offered which, it is believed, will combine the objectives of both the amendments of the Senator from Oregon and the Senator from Ohio. In other words, we believe that the work covered by the bill can be done, and we believe it is of an emergency nature. I spoke to the distinguished minority leader about it this morning, and my understanding is that by motion that bill can be brought up.

Mr. JOHNSON of Texas. Any bill can be brought up on motion if a majority of the Senate votes to bring it up. But I seriously doubt that any bill will be brought up after the Senator from California has made his motion, unless it meets the standards which we have been discussing. Obviously it cannot be brought up now, during the morning hour.

Mr. O'MAHONEY. No, it cannot.

Mr. JOHNSON of Texas. As in the case of some of the other important measures which have been mentioned, I am sure the Senate will wish to consider all of them prior to sine die adjournment.

Mr. O'MAHONEY. But is the Senator willing to say now that the emergency nature of this measure is such that a motion to take it up will be received?

Mr. JOHNSON of Texas. I will say that it will be, but I do not think the time can be determined at this moment.

Mr. O'MAHONEY subsequently said: Mr. President, during the morning hour I engaged in a colloquy with respect to a measure reported by me from the Judiciary Committee, namely, S. 2377, to amend chapter 223 of title 18 of the United States Code to provide for the production of statements and reports of witnesses. This is the bill which was introduced for the purpose of clarifying some misunderstandings of the ruling handed down by the Supreme Court in the Jencks case.

I was hoping this measure could be passed before the civil-rights bill became the pending business of the Senate, but it was stated to me by the leadership this morning, during the colloquy, that it seemed to be impossible to expect that at this time. I announced that the Senator from Illinois [Mr. DIRKSEN] and I, being members of the subcommittee, had worked out amendments which we felt had met the objections of the Senator from Ohio [Mr. BRICKER] and the Senator from Oregon [Mr. MORSE], both of whom had presented amendments from the floor, and that it also did away with the fears of some of those who thought perhaps the right of discovery would be impaired by such legislation.

In order to make it clear that is not the case, I ask unanimous consent to have printed in the RECORD, as well as to have printed and lie on the table, certain amendments which accomplish the results I have mentioned, and which I shall propose when the occasion arises. I am sending forth two copies of each amendment, one to go to the Government Printing Office for printing as amendments, and one to appear in the body of the RECORD at the close of the colloquy this morning with the Senators from Texas and California, so that those who read the RECORD tomorrow may understand what is being done.

The PRESIDING OFFICER. Without objection, the amendments will be received, printed, printed in the RECORD, and lie on the table.

The amendments intended to be proposed by Mr. O'MAHONEY to Senate bill 2377 are as follows:

On page 1, lines 8 and 9, strike the words "any rule of court or procedure to the contrary notwithstanding."

On page 1, beginning in line 9, strike the words "any prospective witness or person other than a defendant" and insert in lieu thereof "a prospective witness."

On page 2, beginning in line 2, strike the words "paragraph (b) of this section" and insert in lieu thereof "the Federal Rules of Criminal Procedure, or as provided in paragraph (b) of this section."

On page 2, beginning in line 6, strike the words "the inspection of the court in camera" and insert in lieu thereof "delivery directly to the defendant, for use in cross-examination, any relevant portions of."

On page 2, beginning in line 8, strike the words "are signed by the witness, or otherwise adopted or approved by him as correct relating to the subject matter as to which he has testified" and insert in lieu thereof "contain a recitation or the substance of any oral or written statement previously made by the witness which directly relate to the substance of the testimony of that witness. In the event that the United States claims that the reports or statements ordered to be delivered to the defendant contain privileged information, the disclosure of which would be prejudicial to the public interest or national security, the court shall order the United States to produce such reports or statements for the inspection of the court, in camera".

On page 2, beginning in line 11, strike the words "then determine what portions, if any, of said reports or statements relate to the subject matter as to which the witness has testified and shall direct delivery to the defendant, for use in cross-examination, such portions, if any, of said reports or statements as the court has determined relate to the subject matter as to which the witness has testified. The court shall excise from such reports and statements to be delivered to the defendant any portion thereof which the court has determined do not relate to the subject matter as to which the witness has testified." and insert in lieu thereof "excise the portions, if any, of said reports or statements which contain information not relating to the subject matter as to which the witness has testified. With such information excised, the court shall then direct delivery of such reports and statements to the defendant for use in cross-examination."

On page 2, in lines 21 and 22, strike the word "determination" and insert in lieu thereof the word "procedure".

Mr. O'MAHONEY. Mr. President, I make this additional request for unanimous consent, namely, that the text of the bill as reported be printed in the RECORD at this point, showing how it will read with these amendments adopted, so that everybody will know exactly what is proposed.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

SEC. 3500. Demands for production of statements and reports of witnesses.

(a) In any criminal prosecution brought by the United States, no statement or report of a prospective witness which is in the possession of the United States shall be the subject of subpena, discovery, or inspection, except as provided in the Federal Rules of Criminal Procedure, or as provided in paragraph (b) of this section.

(b) After a witness called by the United States has testified on direct examination, the court shall, on motion of the defendant, order the United States to produce for delivery directly to the defendant, for use in cross-examination, any relevant portions of such reports or statements of the witness in the possession of the United States as contain a recitation or the substance of any oral or written statement previously made by the witness which directly relate to the substance of the testimony of that witness. In the event that the United States claims that the reports or statements ordered to be delivered to the defendant contain privileged information, the disclosure of which would be prejudicial to the public interest or national security, the court shall order the United States to produce such reports or statements for the inspection of the court, in camera. Upon such production, the court shall excise the portions, if any, of said reports or statements which contain information not relating to the subject matter as to which the witness has testified. With such information excised, the court shall then direct delivery of such reports and statements to the defendant for use in cross-

examination. If, pursuant to such procedure, any portion of such reports or statements is withheld from the defendant, and the trial is continued to an adjudication of the guilt of the defendant, the entire reports or statements shall be preserved by the United States and, in the event the defendant shall appeal, shall be made available to the appellate court at its request for the purpose of determining the correctness of the ruling of the trial judge.

(c) In the event that the United States elects not to comply with an order of the court under paragraph (b) thereof to deliver to the defendant any report or statement or such portion thereof as the court may direct, the court shall strike from the record the testimony of the witness and the trial shall proceed unless the court in its discretion shall determine that the interests of justice require that a mistrial be declared.

(d) The analysis of such chapter is amended by adding at the end thereof the following:

"Sec. 3500. Demands for production of statements and reports of witnesses."

Mr. WILEY. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. WILEY. I understood from the distinguished Senator he had submitted these amendments to the Senator from Oregon [Mr. MORSE], and that he had agreed to them.

Mr. O'MAHONEY. No; I have not had his agreement yet; I have talked with him. Nor have I had time to discuss them with the Senator from Ohio [Mr. BRICKER], but I want them to be available to those who may read the RECORD in the morning.

Mr. WILEY. The original bill was proposed by the Attorney General's office to us. Has the Senator submitted these amendments to the Attorney General?

Mr. O'MAHONEY. I submitted some of them to the Attorney General, and the Attorney General was not willing last week to announce what his conclusion was; but in view of the situation in which we find ourselves, I want to have the material available to everybody concerned.

Mr. WILEY. I appreciate that.

IMPLEMENTATION OF TREATY WITH THE REPUBLIC OF PANAMA

The PRESIDENT pro tempore. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The CHIEF CLERK. A bill (S. 1730) to implement a treaty and agreement with the Republic of Panama, and for other purposes.

CONSTRUCTION OF CERTAIN WORKS OF IMPROVEMENT IN THE NIAGARA RIVER

Mr. JOHNSON of Texas. Mr. President, I thought the Niagara bill had been taken up.

The PRESIDENT pro tempore. It was taken up by unanimous consent during the morning hour, prior to the call of the calendar.

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of the Niagara power bill. If that motion is passed, I shall yield then to the Senator from New York [Mr. IVES].

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas?

Mr. IVES. Mr. President, reserving the right to object—and I shall not object by any means—I wish to take this opportunity to emphasize what the distinguished Senator from Oklahoma [Mr. KERR] just said about the Niagara bill. It relates to a dire emergency in the Northeast. No piece of proposed legislation which will be before the Senate during this session will be of a more emergent nature than this measure is right now. The Niagara frontier is without adequate power. Business will have to cease there in some instances. Unemployment will increase. There will be a dire situation there in a very short time unless this redevelopment is begun this year. That means that this bill must be passed, not alone by the Senate, but also by the House of Representatives.

At this time I wish to pay tribute to the great chairman of the subcommittee of the Public Works Committee, the distinguished Senator from Oklahoma [Mr. KERR], who has done such a magnificent job in getting Members together in regard to this measure.

Mr. President, I must emphasize to the two leaders of the Senate that this measure must have the right-of-way just as soon as it is possible to give it that right-of-way.

Mr. JOHNSON of Texas. Mr. President, the Senator from New York understands, I am sure, that I heartily favor the bill. I shall do what I can to have it brought to a vote in this body as soon as possible.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Texas?

There being no objection, the Senate proceeded to consider the bill (S. 2406) to authorize the construction of certain works of improvement in the Niagara River for power and other purposes.

Mr. JAVITS. Mr. President, will the Senator from Texas yield to me?

Mr. JOHNSON of Texas. I yield.

Mr. JAVITS. I should like to join my colleague from New York [Mr. IVES] in the statement he has made about the emergency character of this bill. I also wish to join him in expressing our feeling that the chairman of the subcommittee, the Senator from Oklahoma [Mr. KERR], has done a really outstanding job in trying to reconcile the different points of view. I should like to make it clear—while both the majority leader and the minority leader are on their feet—that there is no doubt about the fact that by agreement between both of them, before there is a sine die adjournment, action on this bill will be taken. That statement was made by the majority leader, and I understand it was concurred in by the minority leader.

Mr. KNOWLAND. Yes, I did concur.

Mr. JOHNSON of Texas. Mr. President, I did not say the Senate will act on it; but action can be taken under the motion which I assume the Senator from California will make. I intend to bring the bill before the Senate before adjournment.

Mr. CLARK. Mr. President, will the Senator from Texas yield to me?

Mr. JOHNSON of Texas. I yield.

Mr. CLARK. Mr. President, while I share the views which have been expressed by the Senators from New York about the hard work and infinite pains the distinguished Senator from Oklahoma has given to the Niagara power bill, there are in this body those of us who are not in accord with the committee report which has been submitted. The junior Senator from Ohio [Mr. LAUSCHE], the junior Senator from Oregon [Mr. NEUBERGER], and myself have certain amendments which we believe are in the interest of common justice for the people of Ohio and Pennsylvania. The senior Senator from Pennsylvania, who takes a third view, has an amendment which he has submitted to the bill.

Although it is important to have the bill brought up, and perhaps it is important to have the bill passed at this session, I hope we shall not be placed in a situation where our friends on the other side of the aisle will endeavor to have the bill passed by unanimous consent, because, frankly, unanimous consent will not be forthcoming unless the views of those of us on this side of the aisle regarding the bill are met to a greater extent than thus far has been the case.

Mr. JOHNSON of Texas. Mr. President, the minority leader has pointed out that he does not intend to have other proposed legislation brought before the Senate except measures of an extreme emergency nature, which can be agreed upon by unanimous consent. That is the decision of the minority leader, and, I assume, of this administration. They will have to accept the responsibility for it. I have heard today of many emergency measures. I assume that a substantial number of Members of the Senate believe that the motion about to be made by the Senator from California is of an emergency nature. The Senate will have ample opportunity to discuss the wisdom of the motion. I do not wish to cause further delay at this time.

Mr. GORE. Mr. President——

Mr. JOHNSON of Texas. Mr. President, I yield now to my friend, the Senator from Tennessee, who has asked me to do so.

Mr. GORE. Mr. President, I wish to join the distinguished Senators from New York in the generous tribute they have paid to the very able and distinguished senior Senator from Oklahoma [Mr. KERR], who, although he lives in, and represents, a State hundreds of miles from both the Niagara River and the valley of the Tennessee, has given generously of his time and ability and has brought to substantial agreement the controverting forces on two vital pending issues. He is entitled to tribute rendered at greater length.

I wish to say, in addition, that the bill authorizing the Tennesseee Valley Authority to issue self-financing, self-liquidating revenue bonds for the provision of power in that area is of an emergency nature equal to that of the Niagara power bill.

I participated in the development of the compromise and the understanding

and in the writing and reporting of the Niagara power bill. I join wholeheartedly in the statement that it is urgent that it be considered.

But I wish to urge upon the distinguished majority leader and the distinguished minority leader the emergency character of the Tennessee Valley Authority self-financing bill, as well; and I desire to express the hope that it will be considered before the Senate adjourns.

Mr. JOHNSON of Texas. I thank the Senator from Tennessee. I assure him that I shall urge the Senate at the appropriate time to give consideration to the Tennessee Valley bill, in which he is so deeply interested. I share his great admiration for the distinguished senior Senator from Oklahoma, than whom there is no better.

Mr. MUNDT. Mr. President, will the Senator from Texas yield to me?

Mr. JOHNSON of Texas. I yield.

Mr. MUNDT. I should like to refer to the very significant statement made by the Senator from Wyoming [Mr. O'MAHONEY] about some very urgent proposed legislation. In this instance, I refer to a measure in connection with the Supreme Court's decision depriving the FBI of the power it requires if it is to continue to function to protect America against criminals and against Communists. It seems to me that in line with the responsibility of the Senate to put first things first, before the Senate enters into a prolonged debate—no matter how meritorious the subject of the debate may be—about protecting the rights of certain Americans in certain areas of the country, the Senate should consider the proposed legislation, recommended by the Judiciary Committee, in connection with the decision of the Supreme Court to which I have referred. This matter relates to protection of the rights of all Americans in every section of the country.

The Senate may engage in prolonged debate about the right of certain persons in certain areas, and perhaps corrective steps should be taken. But in the meantime, the courts of the United States continue to function; and in the meantime congressional committees continue to function, and in the meantime the Communists, crooks, kidnapers, and cheaters continue to function. I do not think the Senate can expect the parade of history to stand still while the Senate listens to prolonged debate, no matter how interesting it may be.

I urge upon our respective leaders, in their very important positions, consideration of the importance of having the Senate take up first the correction of situations growing out of the misunderstandings resulting from the recent decisions of the Supreme Court.

Mr. JOHNSON of Texas. I thank the Senator from South Dakota for his suggestion. Of course, whenever he is prepared to indicate to me that a majority of the Members of the Senate share his view, the Senator from Texas will be glad to join with him. However, the Senator from Texas is aware of the practical situation which exists; and the minority leader has given notice of his desire to make a motion, and he has now been delayed approximately 10 minutes in making it.

I shall certainly seriously consider the suggestion the Senator from South Dakota has made and any other suggestions made by any other of my colleagues concerning measures of an emergency nature. I can assure all of them that the majority leader will look with sympathy upon early action upon these measures.

Mr. KEFAUVER. Mr. President, will the Senator yield?

Mr. KNOWLAND. I shall be glad to yield to the Senator from Tennessee.

Mr. KEFAUVER. I appreciate that. Is the Senator withholding his motion?

Mr. KNOWLAND. Yes.

Mr. KEFAUVER. I had understood the tentative order of business to be recommended by the majority leader was the Niagara bill and then the self-financing bill for the TVA, which the Public Works Committee, under the chairmanship of the subcommittee headed by the Senator from Oklahoma [Mr. KERR], has worked out so well.

Mr. JOHNSON of Texas. I will say to the Senator the majority leader did not make that statement. It is the intention of the majority leader to urge the policy committee, and, if they act favorably, in turn the Senate, to act on the TVA bill at the earliest possible date. The committee has previously considered the Niagara bill. I hope the two of them may come along together at the appropriate time.

Mr. KNOWLAND. Mr. President——

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. KNOWLAND. I yield.

Mr. CHAVEZ. Mr. President, the Niagara bill and the Tennessee Valley funding bill were reported by the Public Works Committee. I appreciate the importance of the bill that is now about to come under consideration, but I feel the Senate could do more for the country by passing the Niagara bill and the Tennessee Valley funding bill than it could by passing the bill about to come under consideration. That is only an opinion. I have my own views about the measure to be brought before the Senate. I hope both the majority leader and the minority leader will let the American people get the benefits of the Niagara bill and the Tennessee Valley funding bill.

Mr. JOHNSON of Texas. So far as the majority leader is concerned, he is prepared to proceed to the consideration of the Niagara bill and get the earliest possible decision on it. Every Senator can determine, by a vote on the motion of the Senator from California, what he desires to do.

Mr. CHAVEZ. I am trying to appeal to the reasonableness of the majority leader and the minority leader.

Mr. JOHNSON of Texas. This is no longer a question for the majority leader and the minority leader to determine. It is a question for the Senate to determine.

Mr. CHAVEZ. I know how I am going to vote. [Laughter.]

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 7665) making appropriations for the Department of Defense for the fiscal year ending June 30, 1958, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MAHON, Mr. SHEPPARD, Mr. SIKES, Mr. NORRELL, Mr. WHITTEN, Mr. ANDREWS, Mr. RILEY, Mr. FLOOD, Mr. CANNON, Mr. WIGGLESWORTH, Mr. SCRIVNER, Mr. FORD, Mr. MILLER of Maryland, Mr. OSTERTAG, and Mr. TABER were appointed managers on the part of the House at the conference.

CIVIL RIGHTS

Mr. KNOWLAND. Mr. President, the motion I am about to make is to enable the Senate of the United States to perform its legislative function to consider, debate, and vote upon such amendments as may be offered and upon H. R. 6127, otherwise known as the civil-rights bill.

I ask unanimous consent to have printed as a part of my remarks a copy of the bill at this point in the RECORD.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. KNOWLAND. Yes.

Mr. RUSSELL. Did the Senator ask to have printed the bill which was messaged over from the House?

Mr. KNOWLAND. A star print of the bill.

Mr. RUSSELL. I shall not object to having it printed in the RECORD, but the bill the Senator has offered for printing in the RECORD is not the bill which has been read twice before the Senate. It is a different text. I am sure the Senator will concede it is a different text.

Mr. KNOWLAND. I will say I have been informed that in sending over to the Senate the original bill an error was made in the print. The print has been corrected, as is the customary practice under procedures of this kind, and a star print is available to all Senators.

Mr. RUSSELL. If the Senator will indulge me, a star print may be available, but the point I wish to make, and it will become more important as time goes on, is that the bill which the Senator from California requested to have printed in the RECORD is not the bill which was read twice and placed on the calendar. It is a different bill. At the proper time that matter will be developed. I am glad the Senator, with his characteristic fairness, has admitted the bill to which he refers as the star print is not the bill which was sent to the Senate, read twice, and placed on the calendar.

Mr. KNOWLAND. At the proper time, this whole discussion can take place. It is the bill as passed by the House of Representatives. The star print shows the bill as passed by the House.

Mr. RUSSELL. Will the Senator indulge me for one more question?

Mr. KNOWLAND. Yes.

Mr. RUSSELL. Does the Senator know who prepared the star print? How did it come into being? I am referring to the bill messaged over from the House. Where did the star print come from?

Mr. KNOWLAND. I assume it was prepared under the normal procedures in the House. In the enrolling process in the House, when the error in the original print was discovered, it was corrected.

There being no objection, the star print of H. R. 6127 was ordered to be printed in the RECORD, as follows:

PART I—ESTABLISHMENT OF THE COMMISSION ON CIVIL RIGHTS

SEC. 101. (a) There is created in the executive branch of the Government a Commission on Civil Rights (hereinafter called the "Commission").

(b) The Commission shall be composed of six members who shall be appointed by the President by and with the advice and consent of the Senate. Not more than three of the members shall at any one time be of the same political party.

(c) The President shall designate one of the members of the Commission as Chairman and one as Vice Chairman. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman, or in the event of a vacancy in that office.

(d) Any vacancy in the Commission shall not affect its powers and shall be filled in the same manner, and subject to the same limitation with respect to party affiliations as the original appointment was made.

(e) Four members of the Commission shall constitute a quorum.

Rules of procedure of the Commission

SEC. 102. (a) The Chairman or one designated by him to act as Chairman at a hearing of the Commission shall announce in an opening statement the subject of the hearing.

(b) A copy of the Commission's rules shall be made available to the witness before the Commission.

(c) Witnesses at the hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(d) The Chairman or Acting Chairman may punish breaches of order and decorum and unprofessional ethics on the part of counsel, by censure and exclusion from the hearings.

(e) If the Commission determines that evidence or testimony at any hearing may tend to defame, degrade, or incriminate any person, it shall (1) receive such evidence or testimony in executive session; (2) afford such person an opportunity voluntarily to appear as a witness; and (3) receive and dispose of requests from such person to subpena additional witnesses.

(f) Except as provided in sections 102 and 105 (f) of this act, the Chairman shall receive and the Commission shall dispose of requests to subpena additional witnesses.

(g) No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the Commission. Whoever releases or uses in public without the consent of the Commission evidence or testimony taken in executive session shall be fined not more than $1,000, or imprisoned for not more than 1 year.

(h) In the discretion of the Commission, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The Commission is the sole judge of the pertinency of testimony and evidence adduced at its hearings.

(i) Upon payment of the cost thereof, a witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the Commission.

(j) A witness attending any session of the Commission shall receive $4 for each day's attendance and for the time necessarily occupied in going to and returning from the same, and 8 cents per mile for going from and returning to his place of residence. Witnesses who attend at points so far removed from their respective residences as to prohibit return thereto from day to day shall be entitled to an additional allowance of $12 per day for expenses of subsistence, including the time necessarily occupied in going to and returning from the place of attendance. Mileage payments shall be tendered to the witness upon service of a subpena issued on behalf of the Commission or any subcommittee thereof.

(k) The Commission shall not issue any subpena for the attendance and testimony of witnesses or for the production of written or other matter which would require the presence of the party subpenaed at a hearing to be held outside of the State, wherein the witness is found or resides or transacts business.

Compensation of members of the Commission

SEC. 103. (a) Each member of the Commission who is not otherwise in the service of the Government of the United States shall receive the sum of $50 per day for each day spent in the work of the Commission, shall be reimbursed for actual and necessary travel expenses, and shall receive a per diem allowance of $12 in lieu of actual expenses for subsistence, inclusive of fees or tips to porters and stewards.

(b) Each member of the Commission who is otherwise in the service of the Government of the United States shall serve without compensation in addition to that received for such other service, but while engaged in the work of the Commission shall be reimbursed for actual and necessary travel expenses, and shall receive a per diem allowance of $12 in lieu of actual expenses for subsistence, inclusive of fees or tips to porters and stewards.

Duties of the Commission

SEC. 104. (a) The Commission shall—

(1) investigate allegations in writing under oath or affirmation that certain citizens of the United States are being deprived of their right to vote and have that vote counted by reason of their color, race, religion, or national origin; which writing, under oath or affirmation, shall set forth the facts upon which such belief or beliefs are based.

(2) study and collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution; and

(3) appraise the laws and policies of the Federal Government with respect to equal protection of the laws under the Constitution.

(b) The Commission shall submit interim reports to the President at such times as either the Commission or the President shall deem desirable, and shall submit to the President a final and comprehensive report of its activities, findings, and recommendations not later than 2 years from the date of the enactment of this act.

(c) Sixty days after the submission of its final report and recommendations the Commission shall cease to exist.

Powers of the Commission

SEC. 105. (a) Within the limitations of its appropriations, the Commission may appoint a full-time staff director and such other personnel as it deems advisable, in accordance with the civil service and classification laws, and may procure services as authorized by section 15 of the act of August 2, 1946 (60 Stat. 810; 5 U. S. C. 55a), but at rates for individuals not in excess of $50 per diem.

(b) The Commission may accept and utilize services of voluntary and uncompensated personnel and pay any such personnel actual and necessary traveling and subsistence expenses incurred while engaged in the work of the Commission (or, in lieu of subsistence, a per diem allowance at a rate not in excess of $12). Not more than 15 persons as authorized by this subsection shall be utilized at any one time.

(c) The Commission may constitute such advisory committees and may consult with governors, attorneys general, and other representatives of State and local governments, and private organizations, as it deems advisable.

(d) Members of the Commission, voluntary and uncompensated personnel whose services are accepted pursuant to subsection (b) of this section, and members of advisory committees constituted pursuant to subsection (c) of this section, shall be exempt from the operation of sections 281, 283, 284, 434, and 1914 of title 18 of the United States Code, and section 190 of the Revised Statutes (5 U. S. C. 99).

(e) All Federal agencies shall cooperate fully with the Commission to the end that it may effectively carry out its functions and duties.

(f) The Commission, or on the authorization of the Commission any subcommittee of 2 or more members, at least 1 of whom shall be of each major political party, may, for the purpose of carrying out the provisions of this act, hold such hearings and act at such times and places as the Commission or such authorized subcommittee may deem advisable. Subpenas for the attendance and testimony of witnesses or the production of written or other matter may be issued in accordance with the rules of the Commission as contained in section 102 (j) and (k) of this act, over the signature of the Chairman of the Commission or of such subcommittee, and may be served by any person designated by such Chairman.

(g) In case of contumacy or refusal to obey a subpena, any district court of the United States or the United States court of any Territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Attorney General of the United States shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or a subcommittee thereof, there to produce evidence if so ordered, or there to give testimony touching the matter under investigation; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

Appropriations

SEC. 106. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, so much as may be necessary to carry out the provisions of this act.

PART II—TO PROVIDE FOR AN ADDITIONAL ASSISTANT ATTORNEY GENERAL

SEC. 111. There shall be in the Department of Justice one additional Assistant Attorney General, who shall be appointed by the President, by and with the advice and consent of the Senate, who shall assist the Attorney General in the performance of his duties, and who shall receive compensation at the rate prescribed by law for other Assistant Attorneys General.

PART III—TO STRENGTHEN THE CIVIL RIGHTS STATUTES, AND FOR OTHER PURPOSES

SEC. 121. Section 1980 of the Revised Statutes (42 U. S. C. 1985) is amended by adding thereto two paragraphs to be designated "Fourth" and "Fifth" and to read as follows:

"Fourth. Whenever any persons have engaged or there are reasonable grounds to believe that any persons are about to engage in any acts or practices which would give rise

to a cause of action pursuant to paragraphs First, Second, or Third, the Attorney General may institute for the United States, or in the name of the United States, a civil action or other proper proceeding for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order. In any proceeding hereunder the United States shall be liable for costs the same as a private person.

"Fifth. The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section and shall exercise the same without regard to whether the party aggrieved shall have exhausted any administrative or other remedies that may be provided by law."

SEC. 122. Section 1343 of title 28, United States Code, is amended as follows:

(a) Amend the catchline of said section to read, "§ 1343. Civil rights and elective franchise."

(b) Delete the period at the end of paragraph (3) and insert in lieu thereof a semicolon.

(c) Add a paragraph as follows:

"(4) To recover damages or to secure equitable or other relief under any act of Congress providing for the protection of civil rights, including the right to vote."

PART IV—TO PROVIDE MEANS OF FURTHER SECURING AND PROTECTING THE RIGHT TO VOTE

SEC. 131. Section 2004 of the Revised Statutes (42 U. S. C. 1971), is amended as follows:

(a) Amend the catchline of said section to read, "Voting rights."

(b) Designate its present text with the subsection symbol "(a)."

(c) Add, immediately following the present text, three new subsections to read as follows:

"(b) No person, whether acting under color of law or otherwise, shall intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of President, Vice President, presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates, or Commissioners from the Territories or possessions, at any general, special, or primary election held solely or in part for the purpose of selecting or electing any such candidate.

"(c) Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice which would deprive any other person of any right or privilege secured by subsection (a) or (b), the Attorney General may institute for the United States, or in the name of the United States, a civil action or other proper proceeding for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order. In any proceeding hereunder the United States shall be liable for costs the same as a private person.

"(d) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section and shall exercise the same without regard to whether the party aggrieved shall have exhausted any administrative or other remedies that may be provided by law.

"(e) Provided, that any person cited for an alleged contempt under this act shall be allowed to make his full defense by counsel learned in the law; and the court before which he is cited or tried, or some judge thereof, shall immediately, upon his request, assign to him such counsel, not exceeding two, as he may desire, who shall have free access to him at all reasonable hours. He shall be allowed, in his defense to make any proof that he can produce by lawful witnesses, and shall have the like process of the court to compel his witnesses to appear at his trial or hearing, as is usually granted to compel witnesses to appear on behalf of the prosecution. If such person shall be found by the court to be financially unable to provide for such counsel, it shall be the duty of the court to provide such counsel."

SEC. 141. This act may be cited as the "Civil Rights Act of 1957."

Mr. KNOWLAND. I hope that within this week the Senate of the United States will be allowed to vote on the motion to proceed to the consideration of this important bill.

I feel certain that the Members of this body are both reasonable and fair. If the opponents of the proposed legislation will argue the merits of their case on the bill itself and on the amendments when the bill is before the Senate, they will find that we who favor the Senate's functioning as a legislative body will not be unfair in our judgments or unreasonable in our actions.

The mere fact that a majority may favor bringing this bill up for consideration will not cause us to depart from a procedure of parliamentary conduct that we would consider fair and equitable if applied to us if we were in the minority on this or any similar measure.

Again I appeal to my colleagues to permit the Senate as a part of a coordinate branch of the Government of the United States, to function under section 1, article I of the Constitution, which reads as follows:

All legislative power herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Mr. President, I move that the Senate now proceed to the consideration of Calendar No. 485, H. R. 6127.

The PRESIDENT pro tempore. The bill will be stated by title for the information of the Senate.

The CHIEF CLERK. A bill to provide means of further securing and protecting the civil rights of persons within the jurisdiction of the United States.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from California.

Mr. DOUGLAS. Mr. President, what the Senator from California has moved is merely that the Senate proceed to consider the civil rights bill. He is not, at this time, moving its passage. He is simply trying to bring the issue up before the Senate, so that we may then have the chance to discuss and to vote on it.

If the motion of the Senator from California prevails, then, and only then, will it be germane for us to debate the merits of the bill itself and to consider such amendments as may be proposed. But for the present, all that is before us is that we take a prior step and clear the decks so that we can thereafter consider the all-important question of civil rights.

This very simple parliamentary fact creates two guides for action. First, that to filibuster against such a preliminary step as deciding that we will later consider the bill would be a purely negative and obstructive act. The second consequence is equally clear. Until this motion is adopted, it is inappropriate and premature to discuss at any length either the merits of the bill or to consider any amendments thereto. All this will properly come later. But for the moment, all we are contending for is the right of the Senate to take the earlier step, which is logically prior to the discussion of amendments.

Let this immediate issue be crystal clear, and let it be not confused by a deluge of words and a multitude of false leads. It should not need any argument on our part.

Since the motives of those who are supporting this proposed legislation have, however, been called into question, it may be proper if we briefly restate our purpose. What we are trying to do is to make effective in actual life the constitutional rights of all citizens—regardless of race and color—primarily the right to vote. As we all know, this right is guaranteed by the 15th amendment in the following words:

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

The Congress shall have the power to enforce this article by appropriate legislation.

Not only does Congress have the power, but it also has the duty to protect this right to vote against interference by State officials under not only the 15th but also the "equal protection of the laws" clause of the 14th amendment.

Furthermore, the Supreme Court has held (*U. S.* v. *Classic* (313 U. S. 299)) that this right to vote in Federal elections is also guaranteed by article I, section 2 of the Constitution, and can be protected by the Federal Government against infringement by individuals as well as by State or local bodies.

All of us know—and this knowledge is supported by statistics and press accounts—that the right to vote is denied to vast numbers of Negroes, particularly in those areas where they are found in large numbers, namely the Southern States. Frequently, this is done by legal and procedural subterfuge, often by social pressure, sometimes by economic pressure, and—upon occasion—by outright coercion. The net effect of all these methods is the practical disenfranchisement of the vast proportion of potential Negro voters of the South.

We believe this to be a denial not only of constitutional rights, but also of the principles of true religion and of the ideals upon which our Republic was founded. We seek to realize those ideals not by criminal prosecutions after the fact, but by the preventive use of injunctions to prevent such abuses from occurring. All that is asked is that officials and citizens should conform to the law and to the Constitution. If this is done, nothing else need follow, since our aim is prevention, not punishment.

We are concentrating our efforts upon making the right to vote effective, because if this right is guaranteed then many other abuses which are now practiced upon the disenfranchised will be self-correcting. Once the Negroes vote in any appreciable proportion, "race

baiting" by politicians for electoral advantage will largely cease. It will do so for the simple reason that it will not pay. Similarly, inequalities in health and educational opportunities will be lessened. In short, once a group possesses political rights, the competition of candidates and parties will provide a lever for improvement.

And all this will take place through the democratic process and will be a peaceful and reconciling alternative to the pattern of suppression and violence, prosecution, and punishment.

In the 18th century, it was an inspired group of southerners—Jefferson, Madison, and George Mason—who caused the new Republic to emphasize the right of all men to pursue happiness and to be guaranteed the protection of the laws. While those ideals were imperfectly realized at the time, they were held out as a goal which we might increasingly approach. These ideals have spread around the world and constitute America's noblest contribution to the thought and practice of mankind. Now in the 20th century, we have the chance to help our beloved country to take a further step forward. In so doing, we will be living up to the better standards of our Nation and will help to make the face of our country shine more gloriously in the sight of men everywhere.

This morning in preparation for this session, I read some passages from Albert Schweitzer, and I was struck with these remarks which I hope Senators will permit me to quote:

> Once it was considered folly to assume that men of color were really men and ought to be treated as such, but the folly has become an accepted fact. * * * All the principles, dispositions, and ideals which make their appearance amongst us we measure, in their showy pedantry, with a rule on which the measures are given by the absolute ethic of reverence for life. We allow currency only to what is consistent with the claims of humanity. We bring into honor again regard for life and for the happiness of the individual. Sacred human rights we again hold high, not those which political rulers exalt at banquets and tread underfoot in their actions, but the true ones. We call once more for justice, not that which purblind authorities have elaborated in a legal scholasticism nor that about which demagogs of all shades of color shout themselves hoarse, but that which is filled to the full with the value of each human existence. The foundation of law and right is humanity.

It is for those ends that we struggle. It is by that spirit that we shall try to be guided.

Mr. RUSSELL. Mr. President, I feel that it is appropriate that I make a brief observation relative to the two statements which have been made by those on both sides of the aisle who are most active in pressing the consideration of the proposed legislation known as the civil-rights bill.

The Senator from California [Mr. KNOWLAND] has appealed to the Senate to act with a sense of responsibility. I wish to say, Mr. President, that those of us who are unfaltering in our opposition to this measure have acted as men of responsibility since the session of Congress convened in January. We have worked from day to day on a legislative program brought forth by the present administration. Many of us serve as chairmen of important committees. We have expedited the consideration of that proposed legislation, and the record will show that in many—indeed, in most—instances we have supported it. We have done so, Mr. President, with the sword dangling over our heads by a thin hair every day the Senate has been in session, and we have not been unaware of that fact.

We have felt the urge—indeed, we have heard the demand—since the very outset of the session to slow down the wheels of the Senate, to start lengthy debate on every bill, including all the appropriation bills which are brought before this body. We have lived up to a sense of responsibility, Mr. President, which I assert is as great as is shown by those who are attempting to press this bitter cup to our lips today, or greater.

I leave to the record whether we have not demeaned ourselves as men of responsibility, as men of patriotism, though we have known every waking moment of every day that this hour was being prepared for us.

Mr. President, we have tried to help. We have tried to expedite. And we have been responsible men. We do not provoke the issue which is brought into the Senate now. We do not instigate it. We did not time it.

For my part, I refuse to accept any responsibility for what ensues. Senators may talk about emergency legislation, Mr. President—and there is a great deal of emergency legislation on the calendar. Senators may talk about situations in local areas which need to be remedied. I have great sympathy with some of those needs, and I should like to assist in remedying them.

But I speak, Mr. President, for about 40 million American citizens who are confronted with an emergency when a motion is made to bring this type of force legislation before the Senate, and it is said:

"Like it or not, we are going to compel the people of the South to take it, by the most unusual judicial procedures ever devised. If that does not suffice, we will bring the Army and the Navy in and occupy your peaceful land."

That is the real emergency in this country today, Mr. President. I say again that we assume no responsibility for what ensues. We did not provoke or bring this issue forward. We shall be reasonable men in the course of this debate, insofar as we are permitted to be reasonable. We are lectured here today and told that it is highly inappropriate to urge one word on the merits of the proposed legislation in connection with the pending motion to proceed to its consideration. That is followed by a lengthy debate on the merits of the bill by the same Senator as a reason why the bill should be enacted. Some of us know our rights. What is sauce for the goose will be sauce for the gander until this country understands the full purport of the proposed legislation.

We are trying to be reasonable men. We are embarked on a program of undertaking to explain the bill, not only to the country but to the Senate. We are justified in discussing it on its merits, at every opportunity we get to discuss it, until every Member of this body, dealing justly in the sight of his Maker, can look at himself in the mirror and say to himself in all candor, "I understand the full implications of this bill. I know what it will do; and on my responsibility, and not because of political motives, I am willing to commit myself to this course of action."

If that be an unreasonable position for us to take, the Senate must make the most of it. I deem it to be a highly reasonable position.

We are here today in an unusual position. The bill has been placed on the calendar. Even the distinguished minority leader admits that the bill which has been read twice in the Senate is not the bill which it is desired to take up. It is not the bill which he has had printed in the RECORD.

I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks the bill which was messaged to the Senate from the House of Representatives. I invite comparison of it with the so-called star print, of dubious parentage, even after the Senator from California spoke. He said he assumed that the trouble had been straightened out in the enrolling room. So, at best, the bill is of dubious parentage; yet we are supposed to sit here, with vital threats to our people, their lives, their happiness, their peace, and their welfare, and not resist, even when we are confronted with a situation of that kind. If we did not resist, we would not be worthy to be called men.

The PRESIDENT pro tempore. Without objection, the bill may be printed in the RECORD, as requested.

(See exhibit 1.)

Mr. RUSSELL. Mr. President, we will resist. We will explain and discuss the issues which are embraced in the bill on the motion to take up the bill until we are convinced that each and every Member of the Senate fully understands them in all their implications.

I did not intend to say anything here today, but I felt called upon to make this statement. Senators may call it a filibuster if they wish. If there were a sense of fairness throughout the whole Nation, and a desire to deal justly with a great patriotic area of this land, it would not be called a filibuster at this stage of the proceedings.

We are handicapped in getting our case to the country. I shall not refer again to the fact that the great media which influence public opinion in this land—especially television—have been slanted in favor of the bill, and have not fully presented its terms. I hope that some Member on our side of the fight, on the appropriate committee, will demand an investigation to determine just where that campaign originated, and what was the motive power which caused the views of those of us who are opposing the bill to be so completely obscured by talk of its being a simple right-to-vote bill.

If it dealt with any other section of the country, if it dealt with any other issue of half this importance, an investigation would already be in progress. The South, the political whipping boy

of the Nation, receives this kind of treatment. Our opponents undertake to have us dealt with from the outset like a badgered animal. As we undertake to protect the rights of the people who honored us, who are blood of our blood and flesh of our flesh, we are placed in such a position as to make us feel like a bear chained to a pole, with a man poking a pitchfork at him all the time to make him dance. We will not do it. God give us strength that each and every one of us will acquit himself as a man, as our people expect us to do as this cause proceeds.

EXHIBIT 1

House bill 6127 as messaged to the Senate:

"Be it enacted, etc.—

"PART I—ESTABLISHMENT OF THE COMMISSION ON CIVIL RIGHTS

"SEC. 101. (a) There is created in the executive branch of the Government a Commission on Civil Rights (hereinafter called the 'Commission').

"(b) The Commission shall be composed of six members who shall be appointed by the President by and with the advice and consent of the Senate. Not more than three of the members shall at any one time be of the same political party.

"(c) The President shall designate one of the members of the Commission as Chairman and one as Vice Chairman. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman, or in the event of a vacancy in that office.

"(d) Any vacancy in the Commission shall not affect its powers and shall be filled in the same manner, and subject to the same limitation with respect to party affiliations as the original appointment was made.

"(e) Four members of the Commission shall constitute a quorum.

"Rules of procedure of the Commission

"SEC. 102. (a) The Chairman or one designated by him to act as Chairman at a hearing of the Commission shall announce in an opening statement the subject of the hearing.

"(b) A copy of the Commission's rules shall be made available to the witness before the Commission.

"(c) Witnesses at the hearing may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

"(d) The Chairman or Acting Chairman may punish breaches of order and decorum and unprofessional ethics on the part of counsel, by censure and exclusion from the hearings.

"(e) If the Commission determines that evidence or testimony at any hearing may tend to defame, degrade, or incriminate any person, it shall (1) receive such evidence or testimony in executive session; (2) afford such person an opportunity voluntarily to appear as a witness; and (3) receive and dispose of requests from such person to subpena additional witnesses.

"(f) Except as provided in sections 102 and 105 (f) of this act, the Chairman shall receive and the Commission shall dispose of requests to subpena additional witnesses.

"(g) No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the Commission. Whoever releases or uses in public without the consent of the Commission evidence or testimony taken in executive session shall be fined not more than $1,000, or imprisoned for not more than 1 year.

"(h) In the discretion of the Commission, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The Commission is the sole judge for the pertinency of the testimony and evidence adduced at its hearings.

"(i) Upon payment of the cost thereof, a witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the Commission.

"(j) A witness attending any session of the Commission shall receive $4 for each day's attendance and for the time necessarily occupied in going to and returning from the same, and 8 cents per mile for going from and returning to his place of residence. Witnesses who attend at points so far removed from their respective residences as to prohibit return thereto from day to day shall be entitled to an additional allowance of $12 per day for expenses of subsistence, including the time necessarily occupied in going to and returning from the place of attendance. Mileage payments shall be tendered to the witness upon service of a subpena issued on behalf of the Commission or any subcommittee thereon.

"(k) The Commission shall not issue any subpena for the attendance and testimony of witnesses or for the production of written or other matter which would require the presence of the party subpenaed at a hearing to be held outside of the State wherein the witness is found or resides or transacts business.

"Compensation of members of the Commisison

"SEC. 103. (a) Each member of the Commission who is not otherwise in the service of the Government of the United States shall receive the sum of $50 per day for each day spent in the work of the Commission, shall be reimbursed for actual and necessary travel expenses, and shall receive a per diem allowance of $12 in lieu of actual expenses for subsistence, inclusive of fees or tips to porters and stewards.

"(2) Each member of the Commission who is otherwise in the service of the Government of the United States shall serve without compensation in addition to that received for such other service, but while engaged in the work of the Commission shall be reimbursed for actual and necessary travel expenses, and shall receive a per diem allowance of $12 in lieu of actual expenses for subsistence, inclusive of fees or tips to porters and stewards.

"Duties of the Commission

"SEC. 104. (a) The Commission shall—

"(1) invetigate allegations in writing under oath or affirmation that certain citizens of the United States are being deprived of their right to vote and have that vote counted by reason of their color, race, religion, or national origin; which writing, under oath or affirmation, shall set forth the facts upon which such belief or beliefs are based;

"(2) study and collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution; and

"(3) appraise the laws and policies of the Federal Government with respect to equal protection of the laws under the Constitution.

"(b) The Commission shall submit interim reports to the President at such times as either the Commission or the President shall deem desirable, and shall submit to the President a final and comprehensive report of its activities, findings, and recommendations not later than 2 years from the date of the enactment of this act.

"(c) Sixty days after the submission of its final report and recommendations the Commission shall cease to exist.

"Powers of the Commission

"SEC. 105. (a) Within the limitations of its appropriations, the Commission may appoint a full-time staff director and such other personnel as it deems advisable, in accordance with the civil service and classification laws, and may procure services as authorized by section 15 of the act of August 2, 1946 (60 Stat. 810; 5 U. S. C. 55a), but at rates for individuals not in excess of $50 per diem.

"(b) The Commission may accept and utilize services of voluntary and uncompensated personnel and pay any such personnel actual and necessary traveling and subsistence expenses incurred while engaged in the work of the Commission (or, in lieu of subsistence, a per diem allowance at a rate not in excess of $12). Not more than 15 persons as authorized by this subsection shall be utilized at any one time.

"(c) The Commission may constitute such advisory committees and may consult with governors, attorneys general, and other representatives of State and local governments, and private organizations, as it deems advisable.

"(d) Members of the Commission, voluntary and uncompensated personnel whose services are accepted pursuant to subsection (b) of this section, and members of advisory committees constituted pursuant to subsection (c) of this section, shall be exempt from the operation of sections 281, 283, 284, 434, and 1914 of title 18 of the United States Code, and section 190 of the Revised Statutes (5 U. S. C. 99).

"(e) All Federal agencies shall cooperate fully with the Commission to the end that it may effectively carry out its functions and duties.

"(f) The Commission, or on the authorization of the Commission any subcommittee of two or more members, at least one of whom shall be of each major political party, may, for the purpose of carrying out the provisions of this act, hold such hearings and act at such times and places as the Commission or such authorized subcommittee may deem advisable. Subpenas for the attendance and testimony of witnesses or the production of written or other matter may be issued in accordance with the rules of the Commission as contained in section 102 (j) and (k) of this act, over the signature of the Chairman of the Commission or of such subcommittee, and may be served by any person designated by such Chairman.

"(g) In case of contumacy or refusal to obey a subpena, any district court of the United States or the United States court of any Territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Attorney General of the United States shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or a subcommittee thereof, there to produce evidence if so ordered, or there to give testimony touching the matter under investigation; and any failure to obey such order of the court may be punished by said court as a contempt thereof: *Provided,* That any person cited for an alleged contempt under this act shall be allowed to make his full defense by counsel learned in the law; and the court before which he is cited or tried, or some judge thereof, shall immediately, upon his request, assign to him such counsel, not exceeding two, as he may desire, who shall have free access to him at all reasonable hours. He shall be allowed, in his defense to make any proof that he can produce by lawful witnesses, and shall have the like process of the court to compel his witnesses to appear at his trial or hearing, as is usually granted to compel witnesses to appear on behalf of the prosecution. If such person shall be found by the court to be financially unable to provide for such counsel, it shall be the duty of the court to provide such counsel.

"*Appropriations*

"SEC. 106. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, so much as may be necessary to carry out the provisions of this act.

"PART II—TO PROVIDE FOR AN ADDITIONAL ASSISTANT ATTORNEY GENERAL

"SEC. 111. There shall be in the Department of Justice one additional Assistant Attorney General, who shall be appointed by the President, by and with the advice and consent of the Senate, who shall assist the Attorney General in the performance of his duties, and who shall receive compensation at the rate prescribed by law for other Assistant Attorneys General.

"PART III—TO STRENGTHEN THE CIVIL RIGHTS STATUTES, AND FOR OTHER PURPOSES

"SEC. 121. Section 1980 of the Revised Statutes (42 U. S. C. 1985) is amended by adding thereto two paragraphs to be designated "Fourth" and "Fifth" and to read as follows:

"'Fourth. Whenever any persons have engaged or there are reasonable grounds to believe that any persons are about to engage in any acts or practices which would give rise to a cause of action pursuant to paragraphs First, Second, or Third, the Attorney General may institute for the United States, or in the name of the United States, a civil action or other proper proceeding for preventive relief, including an application for a permanent or temporary injunction restraining order, or other order. In any proceeding hereunder the United States shall be liable for costs the same as a private person.

"'Fifth. The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section and shall exercise the same without regard to whether the party aggrieved shall have exhausted any administrative or other remedies that may be provided by law.'

"SEC. 122. Section 1343 of title 28, United States Code, is amended as follows:

"(a) Amend the catch line of said section to read,

"'§ 1343. Civil rights and elective franchise'

"(b) Delete the period at the end of paragraph (3) and insert in lieu thereof a semicolon.

"(c) Add a paragraph as follows:

"'(4) To recover damages or to secure equitable or other relief under any Act of Congress providing for the protection of civil rights, including the right to vote.'

"PART IV—TO PROVIDE MEANS OF FURTHER SECURING AND PROTECTING THE RIGHT TO VOTE

"SEC. 131. Section 2004 of the Revised Statutes (42 U. S. C. 1971), is amended as follows:

"(a) Amend the catch line of said section to read, 'Voting rights.'

"(b) Designate its present text with the subsection symbol '(a).'

"(c) Add, immediately following the present text, three new subsections to read as follows:

"'(b) No person, whether acting under color of law or otherwise, shall intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce any other person for the purpose of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of President, Vice President, presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates or Commissioners from the Territories or possessions, at any general, special, or primary election held solely or in part for the purpose of selecting or electing any such candidate.

"'(c) Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice which would deprive any other person of any right or privilege secured by subsection (a) or (b), the Attorney General may institute for the United States, or in the name of the United States, a civil action or other proper proceeding for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order. In any proceeding hereunder the United States shall be liable for costs the same as a private person.

"'(d) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section and shall exercise the same without regard to whether the party aggrieved shall have exhausted any administrative or other remedies that may be provided by law.'

"SEC. 141. This act may be cited as the 'Civil Rights Act of 1957'."

Mr. ERVIN. Mr. President, inasmuch as I desire to complete my statement without interruption, I shall postpone yielding to other Senators until I shall have concluded my remarks.

Mr. MORSE. Mr. President, will the Senator yield on a procedural matter?

Mr. ERVIN. I will yield to the distinguished Senator from Oregon for a procedural matter, with the understanding that I shall not lose the floor by so doing.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MORSE. I shall require only half a minute, or a minute at the most.

I merely wish to serve notice as to a procedural course of action which I shall follow, giving the Senate an opportunity to follow me in it if it cares to do so.

As Senators know, I think a great parliamentary mistake was made in not sending the House civil-rights bill to the Senate Committee on the Judiciary in the first instance. We discover today that we have read twice in the Senate a bill quite different from the star-print bill. This parliamentary blunder is another illustration of how sound I think I was in my insistence as a matter of sound procedure that the House bill be referred to the Senate Committee on the Judiciary for review. It is interesting to note that many people in and out of the Senate have expressed approval of the stand I took in the Senate in opposition to putting the House bill directly on the Senate Calendar.

In order that the Senate may know of the procedural step which I intend to place before it, I have checked with the Parliamentarian, and he says that the motion of the Senator from California [Mr. KNOWLAND] must first be disposed of. In other words, the Senate must vote first to take up the House bill.

I serve notice that, upon the approval of that motion—and I think we can take judicial notice that it will be approved—I shall then make a motion that the House civil-rights bill be referred to the Senate Committee on the Judiciary, with instructions that the committee return a civil-rights bill to the Senate within 2 weeks—either this bill with or without amendments, or a substitute bill, or a Senate bill.

We have heard much discussion today of emergency legislation pending on the calendar. There is no doubt that we have more legislative work than we can do within the next 2 weeks in connection with emergency legislation. If the Senate Judiciary Committee carries out the instructions of the Senate, pursuant to my motion, I am ready to remain here until the snow flies, or until we pass what we consider to be fair civil-rights legislation. I yield to no one in the Senate in devoted dedication to the cause of guaranteeing first-class citizenship to all of our citizens. However, I am opposed to adopting an end justifies the means doctrine adopted by those who have put this bill on the Senate calendar in violation of historic committee procedure and justice.

This is the last opportunity we shall have to defend what I consider to be sound committee procedure in the Senate on this issue. I believe that this bill should go to the Senate Judiciary Committee, with instructions to report a bill on civil rights within 2 weeks. Such is a fair and proper way of handling this great issue. My proposal will give the Senate plenty of time to handle other bills of emergency legislation and then give us all fall if necessary to handle civil-rights legislation. It will also remove a blot on the record of the Senate which the majority smudged into Senate history a few days ago when it forgot that procedural fairness is essential to legislative justice.

Mr. ERVIN. Mr. President, I rise in opposition to the motion of the able and distinguished minority leader. I do this because I know that the greatest blessing which could befall the United States at this particular time would be for further action on the civil-rights bill to be postponed until Congress reconvenes in January. If such postponement were had, it would afford the President, the Senate, the American bench and bar, and the American people an opportunity to discover what a queer concoction of constitutional and legal sins masquerades under the beguiling name of civil rights in this cunningly conceived and deviously worded bill.

At a news conference several weeks ago, a reporter put to President Eisenhower, who is not a lawyer, a question relating to the provisions of the civil rights bill. The President gave the reporter a characteristically honest answer. He said he did not understand what he called the legal quirks in the bill. The President made a somewhat similar confession at his news conference last week when he stated that he had been reading the bill and did not understand all of its language.

I have repeatedly asserted during recent weeks that President Eisenhower would not favor the civil-rights bill if he understood its provisions and implications.

I knew that President Eisenhower did not understand the legal quirks in the civil rights bill. Had he done so, he would never have described it as a moderate legislative proposal.

I based my assertion that President Eisenhower would not favor the civil-rights bill if he understood its provisions and implications upon this abiding conviction: President Eisenhower is an honest man, and he meant exactly what he said when he declared, in substance, at

New Orleans on October 13, 1952, and at Houston on October 14, 1952, that he deplored and would always resist Federal encroachment upon the rights and affairs of the States and that an all-powerful Washington bureaucracy will rob us one by one of the whole bundle of our liberties unless we preserve to our States, our counties, and our hometowns the power to administer affairs which are primarily local in nature.

As one who has spent the major portion of his days and energies in the study of constitutional and legal principles, I can readily appreciate why President Eisenhower or any other person finds it difficult to understand the legal quirks in the civil rights bill.

Incidentally, the term "legal quirk" is fittingly used in connection with the bill. According to the dictionary, a "quirk" is a deviation from the regular course.

The civil-rights bill is certainly a deviation from the regular course. It is so conceived and so worded as to conceal rather than reveal its provisions and implications. Consequently, no one can obtain any reliable notion as to the significance of the legal quirks in the bill simply by reading it. To do this, one must spend weeks studying constitutional and legal history, legal rules, equitable principles, Congressional enactments, and court decisions.

When one studies the civil-rights bill in the light of these things, he discovers that its provisions and implications are utterly repugnant to the American constitutional and legal systems.

I oppose the civil-rights bill. My opposition to it does not arise out of any matter of race. As a member of the school board in my hometown and as a representative from my county in the North Carolina Legislature, I have always done everything within my power to secure adequate educational opportunity for all of North Carolina's children of all races. As a lawyer, legislator, and judge, I have always done everything within my power to make it certain that all men stand equal before the law. As a private citizen and public official, I have always maintained that all qualified citizens of all races are entitled to vote.

I oppose the civil rights bill simply because I love our constitutional and legal systems, and desire above all things to preserve them for the benefit of all Americans of all races and all generations.

I know from my study of the civil-rights bill that this will not be done if the bill or any substantial provisions in it are enacted into law. Diligent efforts are made to present the bill in the guise of a meritorious and mild bill.

It is said, for example, that the bill is simply designed to secure voting rights for Negroes in Southern States. I am going to say this bluntly, and I will say it plainly, so that he who runs may read and not err in so doing: There is not a scintilla of truth in the oft-repeated assertion that the bill is simply designed to secure voting rights to Negroes in Southern States. The bill proposes to confer upon the Attorney General of the United States the power to bring suit to suppress any of the practices specified in section 1985, title 42, of the United States Code. This section contains three subsections, and each of these subsections has many clauses. I call attention to one clause alone. It contains a provision authorizing the Attorney General to bring suit at the expense of the taxpayers in the name of the United States in cases where there are any conspiracies threatening or consummated to deprive any person of the equal protection of the law under the 14th amendment.

Under that clause alone the Attorney General can bring suit in behalf of any citizens of any race, any aliens of any race, and any private corporations within the territorial jurisdiction of the United States upon the allegation that they have been discriminated against by any statute of any State or any application of State law to them on the part of any State or local officials. When we consider the fact that the term "State law" includes ordinances of municipalities, we get some idea of the breadth of the power which the Attorney General would have under this one clause.

Mr. President, I hold in my hand volume 16A of Corpus Juris Secundum. I invite the attention of the Senate to the provisions of pages 269 to 536, inclusive, of this volume. These 240 pages are required merely to state in the most general way the number of subjects concerning which the Attorney General could litigate, at the expense of private taxpayers, on behalf of citizens, aliens, and private corporations under this one clause of subsection 3, section 1985, title 42 of the United States Code.

The Attorney General, under part III of the proposed law, would be empowered to bring literally hundreds upon hundreds of different types of cases, in addition to cases to secure voting rights and to compel the integration of public schools. Mr. President, in every one of those cases the President would have the authority, under section 1993, of title 42, to call out the Army, the Navy, or the militia to enforce the decrees entered in any one of those hundreds upon hundreds of cases.

The civil-rights bill is, in truth, as drastic and indefensible a legislative proposal as was ever submitted to any legislative body in this country.

When all is said, it is not surprising that this is so. The bill is presented to Congress at a time when never-ending agitation on racial subjects by both designing and sincere men impairs our national sanity, and diminishes in substantial measure the capacity of our public men to see the United States steady and to see it whole.

The bill is based on the strange thesis that the best way to promote the civil rights of some Americans is to rob other Americans of civil rights equally as precious and to reduce the supposedly sovereign States to meaningless zeros on the Nation's map.

The only reason advanced by the proponents of the bill for urging its enactment is, in essence, an insulting and insupportable indictment of a whole people. They say that southern officials and southern people are generally faithless to their oaths as public officers and jurors, and for that reason can be justifiably denied the right to invoke for their protection in courts of justice the constitutional and legal safeguards erected in times past by the Founding Fathers and Congress to protcet all Americans from governmental tyranny.

When all is said, the bill, if enacted, would make the constitutional and legal status of Southern State officials and southern local officials inferior to that of murderers, rapists, counterfeiters, smugglers, dope peddlers, and parties to the Communist conspiracy.

Congress would do well to pause and ponder this indisputable fact: The provisions of the bill are far broader than the reasons assigned for urging its enactment. I say to my friends who champion the bill that if these provisions can be used today to make legal pariahs and second-class litigants out of southerners involved in civil-right cases, they can be used with equal facility tomorrow to reduce other Americans involved in countless other cases to the like status.

The drastic provisions of the bill are even more surprising than the thesis of its proponents or the reason given by them for urging its enactment. They ignore the primary lesson taught by history, that is, that no man is fit to be trusted with unlimited governmental power.

If the bill should be enacted by Congress and successfully run the constitutional gauntlet, it would vest in a single fallible human being; namely, the temporary occupant of the Office of Attorney General, regardless of his character or qualifications, autocratic, and despotic powers, which have no counterpart in American history, and which are repugnant to the basic concepts underlying and supporting the American constitutional and legal systems.

When one studies the bill, he finds, to his utter consternation, that it undertakes to delegate to the Attorney General of the United States the power, at his uncontrolled election, to nullify State statutes prescribing administrative remedies duly enacted by State legislatures in the undoubted exercise of the legislative powers reserved to the States by the 10th amendment. If that provision of the bill can be sustained from the standpoint of the Constitution, then our Constitution has become a rope of sand, affording no protection to the States or the people of the Nation.

Our ancestors appraised at its full value the everlasting truth embodied in Daniel Webster's assertion that "whatever government is not a government of laws is a despotism, let it be called what it may."

Consequently, they based the governmental and legal systems of America upon these fundamental concepts:

First, that our Government should be a government by law and not a government by men—a government in which laws should have authority over men, not men over laws.

Second, that our courts should administer equal and exact justice according to certain and uniform laws applying in like manner to all men in like situations.

Parts III and IV of the civil-rights bill provide, in substance, that "the Attorney General may institute for the United States, or in the name of the United States," a new civil action or proceeding to enforce or vindicate certain supposed civil rights of private citizens.

By these words, the bill proposes to do these two things: First, to establish a new procedure for the enforcement or vindication of certain supposed civil rights of private persons at the expense of the taxpayers; and second, to confer upon one fallible human being, namely, the temporary occupant of the office of Attorney General, whoever he may be, the despotic power to grant the benefit of the new procedure to some persons and to withhold it from others.

The proposed law is not to be operative at all unless the Attorney General, acting either with or without reason, so wills. This is not government by law. This is not even government by men. This is government by the whim and caprice of the Attorney General.

It is to be noted, moreover, that the new procedure to be authorized by the bill is to be used for and against such persons only as the Attorney General may select. This being true, the bill is utterly repugnant to the fundamental concept that courts are created to administer equal and exact justice in compliance with certain and uniform laws applying in like manner to all men in like circumstances.

When all is said on this phase of the matter, Congress is asked to enact the civil-rights bill as a public law, and, at the same time, to make the public law the private possession of the temporary occupant of the office of the Attorney General, whoever he may be. The bill does not give civil rights to anybody. It does not give anybody any rights, except the Attorney General of the United States; and it says that he is to have complete authority over the law.

I am somewhat surprised that some of my Democratic colleagues show a disposition to place so much confidence in the occupant of the office of Attorney General. I am unwilling to repose so much confidence in any human being who ever trod earth's surface. I would never vote to pass a public law and make it the private possession of the occupant of any office, especially in the case of an office whose occupant is ordinarily appointed to it because of his political acumen rather than his legal ability.

If one is to understand the laws and institutions of today, he must know the events of yesterday which gave them birth. For this reason, I deem it necessary to consider the origins of relevant constitutional and legal safeguards.

The founders of our Government were wise men.

They knew that tyranny uses the forms of law to crush those who oppose her will.

They knew that the right of trial by jury is the best security of the people against governmental oppression.

They knew that the surest test of a witness is had when he is confronted on cross-examination by counsel for the adverse party.

They knew the history of the long struggle of the English people to secure and preserve such basic legal safeguards as the right of trial by jury and the right to confront and cross-examine adverse witnesses.

They knew the history of the repeated efforts of tyrannical kings and subservient parliaments to deprive the English people of the benefit of such legal safeguards.

They knew the history of the Court of Star Chamber, and rightly deducted from it "that the rights and liberties of the people will not long survive in any country where the administration of the law is committed exclusively to a caste endowed with boundless discretion and a long term of office, no matter how learned, able, and honest its members may be."

They knew the history of Chief Justice Jeffreys and his bloody assizes, and rightly inferred from it that tyranny on the bench is as objectionable as tyranny on the throne.

They knew that it is abhorrent to justice to punish any man twice for the same offense.

They knew that in 1764 and 1765 the British Parliament, at the instigation of King George III and his ministers, enacted the Sugar Act, the Stamp Act, and other measures, whereby they deprived American colonists of the right of trial by jury in cases arising under the revenue and trade laws by a device astoundingly similar to that invoked by the civil-rights bill, namely, "by extending beyond its ancient limits the jurisdiction of the courts of admiralty" in which trial by jury was not available.

They knew that the Stamp Act Congress, which was attended by delegates from nine of the Thirteen Colonies, forthwith met in New York, and adopted the Colonial Declaration of Rights of October 19, 1765, condemning this action of Parliament on the ground "that trial by jury is the inherent and invaluable right of every British subject in these Colonies."

They knew that in 1768 the British Parliament, at the urging of King George III and his ministers, enacted the statute known as 8 George III, chapter 22, whereby they deprived American colonists of the right of trial by jury in cases arising under the laws relating to trade and revenue by a repetition of the device resembling that invoked by the civil-rights bill, namely, "by extending beyond their ancient limits the powers of the courts of admiralty" in which trial by jury was not available.

They knew that the First Continental Congress adopted the Declaration of October 14, 1774, denouncing this action of the British Parliament on the ground that American colonists were entitled to the common law of England, and more especially to the great and inestimable privilege of being tried by their peers of the vicinage according to the course of that law.

They knew that the Declaration of Independence assigned the fact that American colonists had been deprived in many cases of the benefits of trial by jury as one of the injuries and usurpations requiring the American colonists to dissolve their political bands with England.

They knew that tranquillity was not to be always anticipated in a republic; that strife would rise between classes and sections, and even civil war might come; and that in such times judges themselves might not be safely trusted in criminal cases, especially in prosecutions for political offenses, where the whole power of the executive is arrayed against the accused party.

They knew that what was done in the past might be attempted in the future, and that troublous times would arise, when rulers and people would become restive under restraint, and seek by sharp and decisive methods to accomplish ends deemed just and proper and that the principles of constitutional liberty would be in peril, unless established by irrepealable law.

They knew that the best part of the inheritance of America from England was the right of trial by jury, both in criminal cases and in suits at common law. For these reasons, the founders of our Government enshrined these guaranties in the Constitution:

That "the trial of all crimes, except in cases of impeachment, shall be by jury."—article III, section 2.

That "no person shall be held to answer for a capital, or otherwise infamous offense, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb"—amendment 5.

That "in all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed * * * and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense"—amendment 6.

That "in suits at common law, where the value in controversy shall exceed $20, the right of trial by jury shall be preserved"—amendment 7.

Americans in general and Senators in particular will do well to pause and ponder the statement made a few days ago by a great Pennsylvania lawyer, David F. Maxwell, the retiring president of the American Bar Association, before the State bar of Texas, in an accurate and eloquent answer to the charge that trial by jury is an outmoded, time-consuming process which can be replaced by more efficient legal procedure. After pointing out the truth that a group of average citizens sitting as jurors can mete out more even justice than can the most competent and experienced judge, Mr. Maxwell said:

> Let us in this country take warning; the jury alone is able to function as the thin wedge of reserved power that separates our system of law from the monolithic, totalitarian despotism behind the Iron and Bamboo Curtains.

At the time of the ratification of the Constitution, courts of equity existed in the several States, either in conjunction

with, or independent of, the courts of law. The basis of the jurisdiction then exercised by courts of equity, which historically function without juries, was the protection of private rights of property.

In stating that courts of equity historicially function without juries, I do not overlook the circumstance that the chancellor or judge of such a court has discretionary authority to call an advisory jury to his aid. An advisory jury is not a jury, however, in the real sense of the term, because the chancellor or judge is at liberty to reject its verdict and act solely on his own findings.

In some of the cases cognizable by them at the time of the ratification of the Constitution, courts of equity used restraining orders and temporary and permanent injunctions. The role of the restraining order and the temporary injunction was to preserve the status quo in respect to property in dispute until the conflicting claims to it could be determined in a trial on the merits, and the role of the permanent injunction was to secure the enjoyment of the property by the person adjudged its owner in the trial on the merits. Restraining orders and injunctions did not issue to inhibit criminal acts except in cases where such acts threatened irreparable injury to property rights.

In urging the ratification of the Constitution, Alexander Hamilton made a statement, which appears in essay No. 80, in the Federalist, concerning the jurisdiction of courts of equity at that time. The statement reads as follows:

> It has also been asked, what need of the word "equity"? What equitable causes can grow out of the Constitution and laws of the United States? There is hardly a subject of litigation between individuals, which may not involve those ingredients of fraud, accident, trust, or hardship, which would render the matter an object of equitable rather than of legal jurisdiction, as the distinction is known and established in several of the States. It is the peculiar province, for instance, of a court of equity to relieve against what are called hard bargains: these are contracts in which, though there may have been no direct fraud or deceit, sufficient to invalidate them in a court of law, yet there may have been some undue and unconscionable advantage taken of the necessities or misfortunes of one of the parties, which a court of equity would not tolerate. In such cases, where foreigners were concerned on either side, it would be impossible for the Federal judicatories to do justice without an equitable as well as a legal jurisdiction. Agreements to convey lands claimed under the grants of different States, may afford another example of the necessity of an equitable jurisdiction in the Federal courts. This reasoning may not be so palpable in those States where the formal and technical distinction between law and equity is not maintained, as in this State, where it is exemplified by every day's practice.

I read Alexander Hamilton's statement concerning equity jurisdiction as it existed at the time of the ratification of the Constitution, to point out the fact that all claims that this bill provides for a customary use of equity process, is wholly without foundation in fact as well as in equity.

Courts of equity punished disobedience to restraining orders and injunctions by fines or imprisonment in proceedings for contempt conducted by chancellors or judges without juries.

It seems appropriate to note at this point changes occurring in the field of equity since the ratification of the Constitution. Since that time many States have extended the right of trial by jury to issues of fact arising in actions of an equitable nature. As this has not been done on the Federal level, actions of an equitable nature are still triable on the merits by judges without juries in district courts of the United States.

Beginning with the Interstate Commerce Commission Act of 1887, Congress has adopted 28 statutes creating new public rights and corresponding new public wrongs. The new public rights are enforcible by injunctive process as rights of the United States in its capacity as a sovereign nation in actions brought by the United States or specified Federal officials or agencies. The new public wrongs are punishable in the manner prescribed by law for other crimes. A painstaking analysis makes it obvious that each of the 28 statutes is clearly distinguishable from the civil-rights bill. In consequence, I refrain from further comment upon them.

The injunctive process is susceptible to abuse. This is particularly true when its use is extended beyond its ancient limits to the field occupied by criminal law.

Some of the objections to the use of the injunctive process in this field are well stated by a legal writer in these words:

> The objections to criminal equity are that it deprives defendant of his jury trial; that it deprives him of the protection of the higher burden of proof required in criminal prosecutions; that after imprisonment and fine for violation of an equity injunction, defendant may be subjected under the criminal law to punishment for the same acts; that it substitutes for the definite penalties fixed by the legislature whatever punishment for contempt a particular judge may see fit to exact; that it is often no more than an attempt to overcome by circumvention the supposed shortcomings of jurors; and that it may result, or induce the public to believe that it results, in the arbitrary exercise of power or in government by injunction. (43 C. J. S., Injunctions, sec. 150.)

Happily, the use of the injunctive process was confined in large measure to its ancient limits during the first century of our national existence.

Unhappily, however, its susceptibility to abuse was clearly revealed at the end of that period, when courts of equity, acting on the allegations of employers that such action was necessary to protect their property rights from irreparable injury, converted the extraordinary writ of injunction to ordinary and wholesale use to defeat the efforts of labor to secure fair wages and reasonable working conditions.

The most shameful story in the judicial annals of America was written during the ensuing years, when courts of equity robbed labor of its right to trial by jury, its right to freedom of the press, and its right to freedom of speech by substituting government by injunction for government by law.

Space and time preclude a review of the numerous episodes in this shameful story. Consequently we must content ourselves with calling attention to only one of them—the one recorded in the case of *Gompers* v. *the United States* (233 U. S. 604).

In that case Samuel Gompers, one of the wisest and most patriotic labor leaders of America of all time, was charged with contempt of court because of his alleged disobedience to an injunction issued by a Federal court of the District of Columbia on the application of Bucks Stove & Range Co., which undertook to defeat by the injunctive process the demands of its striking employees for better working conditions.

A Federal judge sitting without a jury adjudged Gompers guilty of contempt and sentenced him to jail for disobedience of the injunction because he had truthfully stated orally and in print that no law compelled his hearers and readers to buy a stove manufactured by Bucks Stove & Range Co.

Gompers managed to escape actual service of the jail sentence merely because the Supreme Court held on his appeal that the contempt proceedings had not been initiated within 3 years after the violations alleged, and in consequence the trial judge had lost his power to punish Gompers for contempt under the 3-year statute of limitations.

The abuse of the injunctive and contempt processes in industrial controversies prompted Congress to enact in 1914 as a section of the Clayton Act a statutory provision extending the right of trial by jury under certain circumstances to respondents in proceedings to punish violations of injunctions as indirect contempts of court. An indirect contempt is one committed outside the presence of the court.

This statutory provision is now embodied in somewhat altered phraseology in sections 402 and 3691 of title 18 of the United States Code.

Mr. President, I ask unanimous consent to have printed in the body of the RECORD at this point, as a part of my remarks, the two sections of the code referred to.

There being no objection, the code sections were ordered to be printed in the RECORD, as follows:

CONTEMPTS—18 U. S. C. A. 402—CONTEMPTS CONSTITUTING CRIMES

> Any person, corporation or association willfully disobeying any lawful writ, process, order, rule, decree, or command of any district court of the United States or any court of the District of Columbia, by doing any act or thing therein, or thereby forbidden, if the act or thing so done be of such character as to constitute also a criminal offense under any statute of the United States or under the laws of any State in which the act was committed, shall be prosecuted for such contempt as provided in section 3691 of this title and shall be punished by fine or imprisonment, or both.
>
> Such fine shall be paid to the United States or to the complainant or other party injured by the act constituting the contempt, or may where more than one is so damaged, be divided or apportioned among them as the court may direct, but in no case shall the fine to be paid to the United States exceed, in case the accused is a natural person, the sum of $1,000, nor shall such imprisonment exceed the term of 6 months.

This section shall not be construed to relate to contempts committed in the presence of the court, or so near thereto as to obstruct the administration of justice, nor to contempts committed in disobedience of any lawful writ, process, order, rule, decree, or command entered in any suit or action brought or prosecuted in the name of, or on behalf of, the United States, but the same, and all other cases of contempt not specifically embraced in this section may be punished in conformity to the prevailing usages at law. (June 25, 1948, ch. 645, No. 1, 62 Stat. 701; May 24, 1949, ch. 139, No. 8 (c), 63 Stat. 90.)

CONTEMPTS—18 U. S. C. A. 3691—JURY TRIAL OF CRIMINAL CONTEMPTS

Whenever a contempt charged shall consist in willful disobedience of any lawful writ, process, order, rule, decree, or command of any district court of the United States by doing or omitting any act or thing in violation thereof, and the act or thing done or omitted also constitutes a criminal offense under any Act of Congress, or under the laws of any State in which it was done or omitted, the accused, upon demand therefor, shall be entitled to trial by a jury, which shall conform as near as may be to the practice, in other criminal cases.

This section shall not apply to contempts committed in the presence of the court, or so near thereto as to obstruct the administration of justice, nor to contempts committed in disobedience of any lawful writ, process, order, rule, decree, or command entered in any suit or action brought or prosecuted in the name of, or on behalf of, the United States. (June 25, 1948, ch. 645, No. 1, 62 Stat. 844.)

Mr. ERVIN. Mr. President, under these sections, a respondent, whether a natural person or a corporation, charged with an indirect contempt for violation of an injunction is entitled to a jury trial if the act charged as a violation of the injunction is also a crime under an act of Congress or the laws of the State in which it was committed. It is noted, in passing, that virtually all violations of the civil rights of others constitute crimes under both Federal and State laws.

Sections 402 and 3691 of title 18 of the United States Code confer another substantial right upon a respondent who is a natural person in case he is convicted. While they provide that he may be "punished by fine or imprisonment or both," they set definite limits to his punishment by specifying that he cannot be required to pay a fine to the United States in excess of $1,000 or subjected to imprisonment for a term in excess of 6 months.

Sections 402 and 3691 of title 18 of the United States Code stipulate in express terms that their salutary provisions do not apply "to contempts committed in disobedience of any lawful writ, process, order, rule, decree, or command entered in any suit or action brought or prosecuted in the name of, or on behalf of, the United States."

I say and charge here and now, without fear of successful contradiction, that the only reason this bill provides that these proposed actions shall be brought in the name of the United States is so that those involved in civil-rights cases can be robbed of their right to trial by jury and their right to limited punishment under the Clayton Act.

Those who say this is a moderate bill ought to weigh the fact that if the bill shall be enacted, it will substitute for a limited punishment of 6 months' imprisonment a punishment which can last for years and years, and which has no limit whatever except the limitation implied in the nebulous provision of the eighth amendment prohibiting cruel and unusual punishments. The serious nature of this fact is obvious when we realize that nobody really knows what the eighth amendment means on that subject.

I very frequently hear persons who profess to be liberals say they intend to vote for this bill, which will deny the right of trial by jury. I wish to say that I do not care how liberal a person may be in other respects, anybody who will vote for a bill which denies any man the right to trial by jury is as reactionary as King John was before Runnymede, in that particular area of our life.

I wish to note that when the Clayton Act was before Congress and the question was whether a person should have the right of trial by jury when charged with contempt of court in cases where the alleged contemptuous action constituted a crime under either Federal or State law, all the liberals of that day voted for a provision securing the right of trial by jury. Among them were Borah of Idaho, Norris of Nebraska, and Walsh of Montana. They all favored extending the right of trial by jury to all persons charged with indirect contempts arising out of alleged violations of injunctions.

In a magnificent speech pointing out that such right was secured to the people by constitutional or statutory provisions in a number of States, Walsh declared that—

> The most perfect judicial systems ever known are those of which the jury forms an essential part.

That—

> Trial by jury * * * is the greatest school in self-government ever devised by the ingenuity of man.

That—

> Jefferson * * * maintained all his life that cases in chancery should be tried before a jury.

That—

> There is not an argument that can be advanced or thought of in opposition to trial by jury in contempt cases that is not equally an argument against the jury as we now know it.

And that—

> Instead of being an attack on the court, the proposal to submit to trial by jury alleged contempts not committed in the presence of the court is a plan to restore to the Federal courts the confidence and good will which the people ought to bear toward them, but which, unfortunately, by a liberal and sometimes inconsiderate exercise of the power to issue injunctions and to punish as for contempt, has, among certain classes of citizens, been all but forfeited.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Texas?

Mr. ERVIN. I am glad to yield.

Mr. JOHNSON of Texas. Mr. President, I wonder if the distinguished Senator, who is making a very able speech and who has spent weeks in studying the matter with which the motion concerns itself, will yield to me for the purpose of suggesting the absence of a quorum, so that we can get some of our colleagues to come into the Chamber to hear him make his address.

Mr. ERVIN. Mr. President, I take it to be implied by the question that I can so yield without losing the floor.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senator may do so, without losing the floor.

The PRESIDING OFFICER. The Senator from Texas asks unanimous consent that the Senator from North Carolina may yield to him for the purpose of suggesting the absence of a quorum, the Senator from North Carolina to continue to hold the floor, and not to have it counted as a speech against him. Is there objection? The Chair hears none, and it is so ordered.

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. Mr. President, I was discussing the fact that in 1914 Congress was prompted to enact, as a section of the Clayton Act, a statutory provision extending the right of trial by jury under certain circumstances to respondents in proceedings to punish violations of injunctions as indirect contempts of court. Under that section a respondent, whether a natural person or a corporation, charged with an indirect contempt for violation of an injunction is entitled to a jury trial if the act charged as a violation of the injunction is also a crime under an act of Congress or the laws of the State in which it was committed. I noted, in passing, that virtually all violations of the civil rights of others constitute crimes under both Federal and State laws. Senators Borah, Norris, Walsh, and all the other great liberal Senators of that day supported that provision of the Clayton Act, and took the position that all persons charged with indirect contempt should be accorded the right of trial by jury.

Borah denounced with rare eloquence the provisions now embodied in sections 402 and 3691 of title 18 of the United States Code denying the right of trial by jury and the protection of limited punishment to persons charged with "contempts committed in disobedience of any lawful writ, process, order, rule, decree, or command entered in any suit or action brought or prosecuted in the name of, or on behalf of, the United States."

In offering an amendment to strike out this provision, Borah said that—

The effect of this amendment is to provide for jury trial in contempt cases in actions brought by the Government the same as when actions are brought by private individuals.

That—

Every argument * * * in favor of the right of trial by jury upon the part of one citizen of the United States is equally applicable to the right of trial by jury upon the part of every other citizen of the United States.

That—

The right of the citizen to have his guilt or innocence determined by his peers * * * cannot be changed by reason of the fact that a particular party happens to be a plaintiff in one case and another party a plaintiff in another case.

And that the provision denying persons charged with indirect contempts trial by jury in case the injunction alleged to have been violated was issued in a suit brought by the United States "offends every sense of justice and every principle of free institutions and equal rights."

Reed, of Missouri, made these trenchant remarks in support of the Borah amendment:

I believe that if it is right to submit questions involving the right of life to a jury it is not dangerous to submit to a jury a mere question of contempt. If we can safely repose in a jury the power to try all questions of property, all questions affecting the honor of the citizen, all questions affecting the liberty of the citizen * * * there is nothing unsafe in submitting to the same kind of tribunal, summoned in the same way, the simple question of fact has this corporation or that individual violated the order of the Court * * *. So, Mr. President, I feel that it is safe, that it is proper, to support the amendment offered by the Senator from Idaho. I believe that the dignity and authority of the courts will remain unimpaired. At the same time judges inclined to tyrannical practices or who are influenced by prejudice or passion will find a wholesome check has been placed upon unjust and arbitrary punishment.

Mr. ROBERTSON. Mr. President, will the Senator yield?

Mr. ERVIN. I yield to the Senator from Virginia.

Mr. ROBERTSON. Is it not a fact that the views cited by the distinguished Senator from North Carolina were held by two outstanding constitutional lawyers in the Senate at that time, and were echoed on the House side by the present chairman of the Committee on the Judiciary of the House of Representatives who, in support of trial by jury in the La Guardia amendment, said that he had been shocked by some of the decisions of the Court in injunction cases, and that by every concept of justice and of freedom the accused persons were entitled to trial by jury?

Mr. ERVIN. I answer that question in the affirmative, and say that the chairman of the House Committee on the Judiciary took a very fine and gallant and sensible stand in favor of the fundamental principles of Americanism, and supported the jury trial provision in the Norris-La Guardia Act.

The Borah amendment was rejected by the narrow margin of three votes. The amendment to the Clayton Act did not suffice to end many of the abuses of the injunctive and contempt processes in industrial controversies. This was due in large part to the failure of the amendment to extend the benefits of jury trials and limited punishments to persons charged with indirect contempts based on supposed violations of injunctions issued in actions brought "in the name of, or on behalf of, the United States," and to persons charged with indirect contempts based on supposed violations of injunctions enjoining acts themselves not illegal under Federal or State laws.

I should like to say at this point that historically whenever the Government sought to litigate, the Government was required to make out its case by the same procedure whereby private parties had to make out their cases.

It was not until the Clayton Act was enacted that this wise rule was altered. Under no circumstances should legislative bodies be so foolish as to give loaded legal dice to Government lawyers to enable them to try their lawsuits on a preferential basis. If there is any excuse for any difference in procedure, it should be the other way, because the whole power of the Government is arrayed against little citizens. If there is to be any discrimination on procedural matters, it ought to be in favor of the little citizens rather than in favor of the powerful Government.

Congress undertook to remedy these defects insofar as labor was concerned by the Norris-La Guardia Act, adopted in 1932. One of the salient provisions of this act is now embodied in changed phraseology in section 3692 of title 18 of the United States Code which reads as follows:

In all cases of contempt arising under the laws of the United States governing the issuance of injunctions or restraining orders in any case involving or growing out of a labor dispute, the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the contempt shall have been committed. This section shall not apply to contempts committed in the presence of the court or so near thereto as to interfere directly with the administration of justice nor to the misbehavior, misconduct, or disobedience of any officer of the court in respect to the writs, orders, or process of the court.

I respectfully submit that if persons involved in labor controversies are entitled to jury trials, when they are charged with indirect contempt of court, every other citizen of the United States is entitled to the same privilege. There should not be one kind of law for a redheaded man and another kind of law for a black-headed man. There should not be one kind of law for one man because of his profession, and another kind of law for another man because he is engaged in a different profession. On the contrary, every American ought to stand equal in respect to procedural matters and be fed out of the same legal spoon under the same circumstances. Any other system of law makes a mockery of justice.

Mr. ROBERTSON. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. ROBERTSON. Mr. President, as a former member of the North Carolina State supreme court, the Senator from North Carolina will recall that the Slaughterhouse case arose over the application of a man of foreign birth to operate a slaughterhouse near the city of New Orleans. The decision in that case constituted a landmark, for it analyzed the whole spectrum, so to speak, of civil rights. The laws that were to be enforced by the Federal Government were put on one side, so to speak, and those that belonged in the realm of State enforcement were put on the other side.

The decision in that case, concerning the rights that were reserved to the States, has never been repealed, although they have been obliquely attacked by the Supreme Court in a number of so-called due-process-of-law cases. Of course in due-process-of-law cases, the Court can go as far as it pleases in stating what it means.

What the Senator from Viriginia would like to ask the Senator from North Carolina is this: Is it not a fact that Mr. Justice Miller, who wrote the famous decision in the Slaughterhouse case, after he left the bench, said:

I am going to give the public some benefit of my observation in the conference room when justices meet to reconcile the conflicting views concerning the law and the evidence.

He said:

After 9 years on the Court, I have found that there was no difficulty in agreeing as to what the law was. However, the greatest difficulty was on agreeing as to what the facts were. Therefore it is my considered opinion that the average layman is in a better position than the judge, just one man, to decide the facts; hence it is very much better that we keep our English system of trial by jury.

Mr. ERVIN. I agree with the views of Justice Miller. I also state to the distinguished Senator that I have called attention to the statement made the other day before the State bar of Texas by the retiring president of the American Bar Association, David F. Maxwell, of Pennsylvania. He said that the jury is the thin wedge of reserved power which separates our legal system from the monolithic totalitarian system of justice which prevails behind the Iron and Bamboo Curtains.

Mr. President, Senator George W. Norris persuaded the Senate to pass a bill which gave everyone the right of trial by jury in indirect contempt cases. That bill went to the House of Representatives. At that time, the 18th amendment and the Volstead law were in effect, and Senator Norris was compelled to compromise his bill to meet the demands, as he said, of the wet and dry fanatics, and to restrict it to labor controversies. However, Senator Norris took the position throughout the debate on the Norris-La Guardia Act that there should be the right of trial by jury by Congressional enactment in every case of indirect

contempt of court, and he made this statement in connection with it:

I agree, that any man charged with contempt in any court of the United States, * * * in any case, no matter what it is, ought to have a jury trial.

It is no answer to say that there will sometimes be juries which will not convict. That is a charge which can be made against our jury system. Every man who has tried law suits before juries, every man who has ever presided in court and heard jury trials, knows that juries makes mistakes, as all other human beings do, and they sometimes render verdicts which seem almost obnoxious. But it is the best system I know of. I would not have it abolished; and when I see how juries will really do justice when a biased and prejudiced judge is trying to lead them astray I am confirmed in my opinion that after all, our jury system is one which the American people, who believe in liberty and justice, will not dare to surrender. I like to have trial by jury preserved in all kinds of cases where there is a dispute of facts.

That statement was made by Senator Norris in advocating the passage of a bill which would secure the right of trial by jury before a man could be fined or jailed for contempt of court for disobedience of an injunction.

Mr. President, the truth is that no sound reason whatever exists for enacting the provisions of the civil-rights bill into law. This is true because the existing Federal statutes afford ample remedies for the protection or vindication of all civil rights created by the Constitution or laws of the United States by means of criminal prosecutions by the United States, private actions at law for damages by the party aggrieved, and private suits in equity for injunctive relief by the party aggrieved.

To be sure, the defendants in the criminal prosecutions are accorded the right of indictment by grand jury, the right of trial by petit jury, the right to confront and cross-examine adverse witnesses, and the right not to be twice put in jeopardy for the same offense, guaranteed to them by article III and the fifth and sixth amendments; the defendants in the private cases at law for damages are accorded the right of trial by jury, guaranteed them by the seventh amendment; and the defendants in the private suits in equity for injunctive relief are accorded the benefits of jury trials and limited punishments, secured to them by sections 402 and 3691 of title 18 of the United States Code in the event they are charged with contemptuous acts which are also crimes under the Federal or State law.

Surely, no one who loves the American constitutional and legal systems ought to object to these things.

Our friends who support the civil-rights bill erect for themselves a straw man, so that they can knock him down. They say that southerners ought to be reduced to a constitutional and legal status inferior to that of murderers, rapists, robbers, thieves, smugglers, counterfeiters, dope peddlers, and parties to the Communist conspiracy, because they fear that some of our juries might acquit someone who is charged with a violation of civil rights.

In my State there are three Federal districts. Prosecutions for violations of civil rights are brought in the Federal district courts. There are 100 counties in my State of North Carolina. On an average, the Federal districts in my State comprise 30 to 34 counties.

Jurors for the Federal courts are selected, as a practical matter, from jury boxes prepared by the clerks of the Federal courts, which contain the names of the outstanding citizens of the counties in each division in the district. A man charged with a violation of a civil-rights statute would be tried in a Federal court, and the chances are that the trial would be held anywhere from 50 to 75 or 100 miles from his home. He would be tried by jurors who come from areas other than his home. He would be tried in a case presided over by a judge who had a right, under the law, to express his opinion on the facts.

I have spent a large part of my life trying jury cases in my State of North Carolina. For 7 years I had the privilege of acting as trial judge in courts of general jurisdiction. As such, I tried cases in about 50 of the 100 counties of my State, from the mountains to the sea. I have an abiding conviction that North Carolina juries are just as honest and just as honorable as are the juries in any other State of the Union. There is no basis for saying that North Carolina juries will not render verdicts based on the evidence given when they sit in the Federal courts. I say that this contention on the part of the supporters of the civil-rights bill is a straw man which has been erected to be knocked down.

Many insupportable charges are made against the South. Let me illustrate. I conducted most of the hearings before the Subcommittee on Constitutional Rights on the companion Senate civil-rights bill, and I shall tell the Senate what happened. The hearings were stopped as of a certain date, and witnesses were allowed to place material in the record up until a certain time thereafter. The representatives of an organization which professes to be working to uplift mankind—I have forgotten its name—appeared on the last day, when the committee had no opportunity to cross-examine them, and placed in the record a complaint brought by a colored man in North Carolina, who alleged that he had been wrongfully denied his right to vote. The representatives of the organization neglected to insert in the record the answer denying the allegations. Also, they omitted, by inadvertence, of course, the verdict of the jury finding that the plaintiff did not have a cause of action. That jury, incidentally, was composed of 9 white persons and 3 Negroes; and under the law of North Carolina, the jury could not have returned a verdict without the unanimous agreement of the 12 jurors. Also, the representatives of the organization omitted the judgment of the court, adjudging that the plaintiff had no meritorious cause of action.

Mr. President, that illustrates some of the propaganda used to back up the civil-rights bill.

I had read, before the Senate convened for this session, about a man named Gus T. Courts, of Belzoni, Miss., who, it was alleged, had been shot through the window of his store. It was asserted in press dispatches throughout the United States that he was compelled to flee Mississippi for his life, and to leave behind him a $15,000-a-year grocery business.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. EASTLAND. Does the distinguished Senator from North Carolina know that the person who said he was shot at through the window of the store and was forced to leave Mississippi is the person about whom the most prominent Negro newspaper editor in Mississippi stated in a front-page editorial that he called on the person in the hospital after he alleged he had been shot, and that person was lying in bed laughing and saying, "I'm going to get rich out of this"?

Mr. ERVIN. Yes; the statement of that very highly reputable Negro newspaper editor was inserted in the RECORD. The statement also said that if those who were backing the civil-rights bill wanted to bring witnesses before the committee, they ought to bring witnesses who would tell the truth. Courts, who alleged he had been shot, came before the committee and testified. I present this illustration to show the kind of propaganda which was circulated in the press throughout the Nation. When he testified before the committee, Courts presented a prepared statement in which he said that he had been compelled to flee Mississippi for his life and to leave behind him a $15,000 a year grocery business. He further stated that many Negroes had been murdered and that their bodies had been thrown into the rivers of Mississippi, simply because they wanted to vote.

I cross-examined him. I asked him how many dependents he had. I knew that a man who had a $15,000 a year grocery business ought to pay a considerable amount of income tax to the Federal Government. He said he had a wife and two children, as I recall.

I asked him, "How much Federal income tax did you pay in 1955?" That was the year when he ceased doing business.

He said, "I did not pay any then, because my business was going down."

I asked him, "When did you go into the grocery business?"

He replied, "In 1947."

Then I asked him, "How much Federal income tax did you pay in 1947?"

He replied, "Oh, I didn't pay any in that year; my business was just getting started."

Then I asked, "To make a long question short, how much Federal income tax did you ever pay while you were in the grocery business at Belzoni, Miss.?"

He said, "I never paid any Federal income tax, but I paid the State income tax."

I did not have available at that time the figures needed in order to cross-examine the man.

So then I asked him about the many Negroes he said in his statement had been murdered, and their bodies thrown into the rivers of Mississippi, merely because they wanted to vote. The only one he could name was the Till boy, who, as the witness admitted, was a 'teen-age boy who had been visiting there from Chicago, and was not seeking the right to vote in Mississippi. The witness could not name anyone else. But he said he saw the body of a Negro man, a schoolteacher, who had been murdered, and his body thrown into a lake near Indianola, Miss. Then he said he knew of a woman, but he did not know her name, who had been murdered, and her body thrown into another lake, near Glendora, Miss., because she wanted to vote.

I did not know anything about the facts in those cases; so I contacted the administrative assistant of one of the Senators from Mississippi, and asked him to call Mississippi by long-distance telephone and obtain information for me about those matters. He did so, and in that way I obtained the facts about those matters. I obtained them just as the committee was adjourning that afternoon. I asked the witness whether he could return the next day, to testify further. The witness said, "Yes." I asked the representative of the organization which had the witness there to testify whether the witness could come back without inconvenience, the next day. The representative said, "Yes," and asked me why I wanted the witness to come back. I said, "I have information from Mississippi." The witness had claimed he had an auditor who prepared his tax returns. I said, "I want to find out the name of that auditor, and I want to inquire of the witness about the persons he says were murdered and thrown into rivers in Mississippi."

We adjourned with the assurance that Courts would be back the next morning. But that night, under the cover of darkness, he fled Washington, and he has not returned since.

Subsequent evidence showed that Courts had never paid any income tax to Mississippi. He made only 2 returns; and in 1 of them he listed his net income as approximately $299 and some cents; and in the other, he listed it as approximately three hundred and some dollars. Yet he had been advertised all over the country as a man who had to flee Mississippi, leaving behind a $15,000-a-year grocery business.

As regards the two people he said had been murdered, and their bodies thrown into rivers in Mississippi, these are the facts: The colored man, who was a schoolteacher, drove to the edge of a lake in his wife's automobile, and wrote a suicide note. In it he said, in substance, that he was going to commit suicide, and that they would find his body in the lake. He entered the lake, leaving the suicide note in his wife's automobile which was parked beside the lake. The suicide note was later identified by his wife as being in his handwriting. His body was found in the lake. An autopsy was performed on the body by a competent surgeon and physician, who said there were no marks of external injury of any kind on the man, and that he had come to his death by drowning. A coroner's jury was impaneled; and the coroner's jury returned a verdict stating that the man had committed suicide by drowning. Yet the testimony to which I have referred was given by the witness in an obvious effort to blacken the good name of the State of Mississippi.

Mr. EASTLAND. Mr. President, at this point will the Senator from North Carolina yield to me?

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Mississippi?

Mr. ERVIN. I yield.

Mr. EASTLAND. Does the Senator from North Carolina know whether the wife of the suicide stated that her husband committed suicide because of bad health?

Mr. ERVIN. That is what the suicide note stated as the cause for the suicide.

Mr. EASTLAND. Yes.

Mr. ERVIN. In the case of the woman whom this man testified was murdered, and her body thrown into a lake in Mississippi, because she wanted to vote, the facts are these: She was driving beside the lake, with two small children in the automobile. She lost control of the automobile, and it ran into the lake. Some fishermen who happened to be nearby rescued the two children; but before they could extricate her from the automobile, when it was in the water, she was drowned. But the testimony of this witness illustrates some of the charges which are peddled about the country in an effort to damn the reputation and character of the people of the South.

Mr. ROBERTSON. Mr. President, will the Senator from North Carolina yield to me?

Mr. ERVIN. I yield.

Mr. ROBERTSON. I read all the debate on the House side, regarding the bill. I assume that my distinguished colleague, the Senator from North Carolina, did the same, because we were vitally interested in knowing what points were being developed and what arguments were being used. Is it not a fact that throughout that debate, on at least two occasions, and perhaps more often, a speaker said, "If there be any Member of this House who has personal knowledge of anyone having been denied the right to vote, I will yield to him, to have him tell us about it," but no one could cite a single instance. Did not that happen during the debate on the House side?

Mr. ERVIN. I have not read all of the debate which occurred there, and for that reason cannot answer the question.

Mr. ROBERTSON. I read the entire debate; and I was struck by the fact that three times, or perhaps more, the Member speaking called on the other Members, to inquire whether any of them knew of a single case. No one could testify of his own personal knowledge of a single instance.

Mr. LONG. Mr. President, will the Senator from North Carolina yield?

Mr. ERVIN. Mr. President, I prefer to complete my statement before yielding further. After I have completed it, I shall be glad to yield to the distinguished Senator from Louisiana.

Mr. President, the civil-rights bill is deliberately designed to confer upon the Attorney General of the United States the autocratic power to rob State and local officials and other Americans involved in civil-rights disputes of these basic and invaluable safeguards created by the Founding Fathers and Congress to protect all Americans from bureaucratic and judicial tyranny, namely: The constitutional right of indictment by grand jury; the constitutional right of trial by petit jury; the constitutional right not to be twice put in jeopardy for the same offense; the statutory right of trial by jury in indirect contempt cases; and the statutory right to the benefit of limited punishment in indirect contempt cases.

Let me elaborate on these propositions.

The coverage of parts III and IV of the civil-rights bill extends to the civil rights defined either expressly or impliedly by sections 1971 and 1985 of title 42 of the United States Code. While section 1971 relates solely to the right to vote, section 1985 is concerned in general terms with all rights arising under "the privileges or immunities" and "the equal protection of the laws" clauses of the 14th amendment, and in specific terms with definite rights arising under "the due process of law" clause of the 14th amendment and other articles of the Constitution. These things being true, the bill covers in substantial measure the entire spectrum of civil rights.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point, as a part of my remarks, section 1985 of title 42 of the United States Code, so the Members of the Senate may be apprised of the tremendous breadth of the civil-rights bill.

There being no objection, the excerpt from the code was ordered to be printed in the RECORD, as follows:

CIVIL ACTION FOR DAMAGES—42 U. S. C. A. 1985—CONSPIRING TO INTERFERE WITH CIVIL RIGHTS

1. Preventing officer from performing duties: (1) If two or more persons in any State or Territory conspire to prevent, by force, intimidation, or threat, any person from accepting or holding any office, trust, or place of confidence under the United States, or from discharging any duties thereof; or to induce by like means any officer of the United States to leave any State, district, or place, where his duties as an officer are required to be performed, or to injure him in his person or property on account of his lawful discharge of the duties of his office, or while engaged in the lawful discharge thereof, or to injure his property so as to molest, interrupt, hinder, or impede him in the discharge of his official duties.

2. Obstructing justice; intimidating party, witness, or juror: (2) If two or more persons in any State or Territory conspire to deter, by force, intimidation, or threat, any party or witness in any court of the United States from attending such court, or from testifying to any matter pending therein, freely, fully, and truthfully, or to injure such party or witness in his person or property on account of his having so attended or testified, or to influence the verdict, presentment, or indictment of any grand or petit juror in any such court, or to injure such juror in his person or property on account of any verdict, presentment, or indictment lawfully

assented to by him, or of his being or having been such juror; or if two or more persons conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State or Territory, with intent to deny to any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws;

3. Depriving persons of rights or privileges: (3) If two or more persons in any State or Territory conspire or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; or if two or more persons conspire to prevent by force, intimidation, or threat any citizen who is lawfully entitled to vote from giving his support or advocacy in a legal manner toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of Congress of the United States, or to injure any citizen in person or property on account of such support or advocacy, in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages, occasioned by such injury or deprivation, against any one or more of the conspirators.

Mr. ERVIN. Deprivations or violations of the civil rights defined either expressly or impliedly by sections 1971 and 1985 of title 42 of the United States Code are punishable as crimes under other Federal statutes in criminal prosecutions instituted by the Federal Government. This is true because some of the deprivations or violations constitute felonies under sections 241, 372, and 1503 of title 18, and the other deprivations or violations constitute misdemeanors under sections 242, 243, and 594 of title 18.

Parts III and IV of the civil-rights bill specify, in essence, that whenever any persons have engaged or are about to engage in the deprivation or violation of any civil right expressly or impliedly defined by section 1971 or section 1985 of title 42 of the United States Code—

The Attorney General may institute for the United States, or in the name of the United States, a civil action or other proper proceeding for redress, or preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order.

When this legal verbiage is recast in simple words, it means this: The civil-rights bill proposes to confer upon the Attorney General the absolute power, at his uncontrolled discretion, to bring civil actions or proceedings of an equitable nature, in which juries are not available, to enforce or vindicate by injunctive and contempt processes the civil rights expressly or impliedly defined by sections 1971 and 1985 of title 42 of the United States Code.

The objective of the civil rights bill is to vest in the Attorney General the autocratic power, at his absolute discretion, to bypass, circumvent, and evade the constitutional rights of indictment by grand jury and trial by petit jury of State and local officials and other Americans in civil rights disputes arising under sections 1971 and 1985 of title 42 of the United States Code.

This objective is revealed with complete clarity by the statement made by Attorney General Brownell before the Subcommittee on Constitutional Rights of the Senate Committee on the Judiciary on February 14, 1957, as well as by an analysis of the civil rights bill in the light of relevant constitutional and statutory provisions.

Defendants in civil rights cases will likewise often be deprived of their constitutional right to confront and cross-examine adverse witnesses if the civil rights bill is enacted by Congress. This is an inevitable consequence of the practice which prevails in actions for injunctive relief. Restraining orders and temporary injunctions are ordinarily issued by courts upon the most unsatisfactory evidence known to man, that is to say, ex parte affidavits or pleadings drafted by partisan lawyers and attested by partisan witnesses not subject to confrontation and cross-examination by the adverse party. When a restraining order or temporary injunction is issued upon ex parte affidavits or pleadings, and the main object of the action becomes a fact accomplished during the pendency of the action as a result of the coercive influence of the restraining order or temporary injunction, as is frequently the case, the court will thereafter refuse to try the action on its merits on the ground that the matter originally at issue has become moot, thereby rendering it impossible for the defendant to confront and cross-examine the adverse witnesses.

The provision that civil actions or proceedings are to be brought "for the United States, or in the name of the United States" is inserted in the civil rights bill for the deliberate purpose of depriving State and local officials and other Americans charged with indirect contempts for supposed violations of injunctions issued in civil rights cases, arising under sections 1971 and 1985 of title 42 of the United States Code, of the benefits of jury trials and limited punishments to which they would otherwise be entitled under sections 402 and 3691 of title 18 of the United States Code.

This purpose is revealed with complete clarity by the speech which Assistant Attorney General Olney made before the ninth annual conference of the national civil liberties clearing house on April 5, 1957, as well as by an analysis of the civil rights bill in the light of relevant judicial decisions and statutes.

I might add, incidentally, that in the course of his speech Mr. Olney made the most astounding statement I have known any American lawyer to make. He stated, in substance, that the object of the bill was to make it possible for a judge to keep a jury from acquitting a registrar. If the time ever comes when a judge can keep a jury from acquitting a person in court on any charge, at that precise moment liberty in America will be dead as a doornail.

If this purpose of depriving American citizens of the right of trial by jury should be consummated by the enactment of the civil-rights bill in its present form, State and local officials and other Americans charged with indirect contempts for supposed violations of injunctions in civil rights cases would be triable by judges without juries. Furthermore, they would be subject in such event to punishment, under section 401 of title 18 of the United States Code, by fines or imprisonments having no maximum limits whatsoever save those vague limits implied by the nebulous declarations of the eighth amendment that excessive fines shall not be imposed, nor cruel and unusual punishments inflicted.

A study of the Federal decisions, such as *Brown* v. *Lederer*, reported in 140 Federal (2d), *United States* v. *Green*, 140 Federal Supplement 117, and other Federal decisions, shows that the Federal courts have upheld the power of judges to sentence respondents to jail on trials without juries under section 401 of title 18 of the United States Code, for as much as 4 years.

So we would have a very astounding situation if the civil-rights bill should be enacted. If a man were tried and convicted criminally for a civil-rights violation constituting a misdemeanor, he could be sentenced to jail for only a year. Yet, under this bill, if it passes, instead of having the limited punishment prescribed by Congress of not more than 1 year, he could be sent to jail for the same offense as a contempt for any number of years, unless his sentence conflicted with vague and nebulous provisions of the eighth amendment. Not only would he be deprived of the protection even on the equity side, of the limited 6 months' punishment; he could be sentenced to jail for years and years and fined unlimited amounts of money on a trial by a judge without a jury, even though he denied his guilt.

In one of the cases I have mentioned, a man was tried for a violation of the Smith Act, was found guilty by a jury, and sentenced to 5 years' imprisonment on conviction. He appealed, the judgment was affirmed on appeal, and he was ordered to surrender at a certain time to begin his sentence. He failed to surrender, and was later convicted by a judge, on a trial without a jury, of contempt of court for so doing, and given 3 additional years for contempt of court.

As one contemplates the efforts of the proponents of the civil-rights bill to rob Americans involved in civil-rights disputes of such basic constitutional and legal safeguards as the right of trial by jury by a procedural device virtually identical with that employed by the British Parliament, at the urging of King George and his ministers, to rob American colonists of their right of trial by jury, he recalls observations made in the opinion in *Ex Parte Milligan* (4 Wall. 1, 120), where the Supreme Court vacated a sentence of death pronounced upon a civilian by a military commission in violation of the basic safeguards guaranteed by the Constitution.

After stating that the founders of our Government inserted the constitutional guaranties of indictment by grand jury, trial by jury and confrontation of adverse witnesses in the Constitution because wisdom and experience had demonstrated them to be necessary to protect those accused of crime from tyrannical rulers and "the clamor of an excited people," the Supreme Court said:

> Time has proved the discernment of our ancestors; for even these provisions, expressed in such plain English words, that it would seem the ingenuity of man could not evade them, are now, after the lapse of more than 70 years, sought to be avoided. Those great and good men foresaw that troublous times would arise, when rulers and people would become restive under restraint, and seek by sharp and decisive measures to accomplish ends deemed just and proper; and that the principles of constitutional liberty would be in peril, unless established by irrepealable law. The history of the world had taught them that what was done in the past might be attempted in the future.

And, now, after the lapse of more than 90 additional years, history repeats itself. The proponents of the civil-rights bill attempt again "what was done in the past." They seek to avoid and evade in respect to State and local officials and other Americans involved in civil-rights disputes basic constitutional and legal safeguards "expressed in plain English words" for the security of all Americans.

The proponents of the civil rights bill justify their advocacy of its astounding provisions by laying to their souls the Machiavellian unction that the end they have in view excuses the evil they propose. They solicit the support of others for their proposal by these arguments: That the Federal Government is compelled by existing laws to depend solely on criminal prosecutions in cases involving alleged deprivations or violations of civil rights; that criminal prosecutions are cumbersome, slow, and often unduly harsh, that jurors are reluctant to indict and convict dependents in criminal prosecutions for alleged deprivations or violations of civil rights; that the civil-rights bill is merely designed to lodge in the Federal Government an additional power to bring civil actions of an equitable nature in which the comparatively mild injunctive process is to be employed to redress or prevent deprivations or violations of civil rights; and that the proposed injunctive process is superior to criminal laws because it would afford the Federal Government means of preventing the commission of crimes in the civil-rights field.

The argument that criminal prosecutions are often unduly harsh on defendants in civil-rights cases and that such defendants would be benefited by subjecting them to the comparatively mild injunctive process instead of criminal prosecution is rather intriguing because of its source. This argument is advanced by Government attorneys who confess their fear that they might lose some of the civil-rights cases they wish to win if they are required to convince jurors of the truth of their allegations by the oral testimony of cross-examined witnesses according to the practice prescribed by the Constitution of the United States.

Mr. ROBERTSON. Mr. President, will the Senator yield? I do not wish to interrupt the Senator, if he desires to complete his statement, but I have a thought to express in line with his comments.

Mr. ERVIN. I prefer to complete my statement, if the Senator does not mind.

Mr. President, Congress would do well to beware of Government attorneys when they profess to bear gifts to those they are obligated to prosecute.

The arguments that criminal prosecutions are cumbersome and slow, and that jurors are reluctant to indict and convict are identical with those given for the establishment of the Court of Star Chamber, the enactment of the acts of Parliament depriving American colonists of the right of trial by jury, and the congressional opposition of former days to the jury trial provisions of the Clayton and Norris-La Guardia Acts. Moreover, these arguments are likewise identical with the arguments of those who justify mob law upon the ground that the administration of criminal justice in the courts is slow and expensive and sometimes unsatisfactory in its results.

Happily for liberty and justice in America, the founders of our Government hated judicial tyranny more than they loved judicial haste, and for that reason spurned the argument that criminal prosecutions are cumbersome and slow.

Believing, as they did, that all persons ought to be weighed in the same legal balance, they likewise rejected the argument that Justice ought to descend from her pinnacle in particular cases for fear that jurors might acquit some persons who, in the opinion of Government lawyers, ought to be convicted and subjected to punishment.

The argument that the civil-rights bill is a comparatively mild bill is destitute of validity. Those who advance it are like Job. They multiply words without knowledge.

Let us weigh the argument of mildness in the light of what the civil-rights bill would empower the Attorney General and a one-man Federal court to do to defendants in civil rights cases. And let us, when so doing, remember that the overwhelming majority of these defendants will be State and local officials, who render essential governmental services at State and local levels for little or no compensation out of a sense of public duty, and who will be haled into court, in the final analysis, simply because their ideas as to how their public duties should be performed differ from those entertained by the Attorney General or his underlings.

Under the civil-rights bill, the defendants in all civil actions or proceedings instituted by the Attorney General for the avowed purpose of protecting or vindicating any supposed civil rights defined either expressly or impliedly by sections 1971 and 1985 of title 42 of the United States Code are to be automatically deprived by circumvention of these substantial and invaluable rights: First, their rights under the Constitution to indictment by grand jury and trial by petit jury on the charges made in the civil actions or proceedings; second, their right under the Clayton Act to trial by jury on indirect contempt charges in subsequent contempt proceedings arising out of alleged violations of restraining orders, temporary injunctions, or permanent injunctions issued in the civil actions or proceedings; and third, their rights under the Clayton Act and sections 241, 242, 243, 372, 594, and 1503 of title 18 of the United States Code to the benefit of the limited punishments prescribed by Congress for the acts and practices allegedly committed by them.

After the Attorney General robs the defendants of these constitutional and legal safeguards by the devious device of using civil actions or proceedings under the civil-rights bill instead of criminal prosecutions, the one-man Federal court, which convicts them of contempts on trials without juries, may punish them for the contempts by fines or prison sentences having no fixed or known limits whatever.

The legal woes of the defendants do not necessarily end when they have suffered all these things at the hands of the Attorney General and the one-man Federal court. Since the civil-rights bill does not remove their liability to criminal prosecution, they may still be subjected to punishment under the criminal law for the same acts. They could not plead double jeopardy in such event, because they would be punished in the contempt proceedings for disobeying injunctions not to violate the criminal law and in the criminal prosecutions for committing crimes.

This brings us to the argument that the injunctive process proposed by the civil-rights bill is superior to criminal laws because it would afford the Federal Government means of preventing the commission of crimes in the civil-rights field.

This argument is pressed with vigor by those who would deprive defendants in civil-rights cases of such basic rights and benefits as the right of trial by jury and the benefit of limited punishment.

The argument that it would give the Federal Government the power to prevent the commission of crime is lacking in intellectual strength. It rests solely upon the fallacy that courts of equity can prevent crimes in some manner other than by fear of the penalties attending the violations of injunctions.

The prohibition of the equity court adds nothing of a deterrent nature to the prohibition of the criminal laws. This is so because criminal laws and courts of equity have no preventive powers whatever except the fear of punishment. When all is said, criminal laws and injunctions undertake to prevent forbidden acts in exactly the same way, that is, by threatening to punish their commission by fine or imprisonment. There is no sound reason for believing that laymen, unversed in the niceties of contempt and criminal processes, would fear the sentence of a court of equity more than the sentence of a court of law.

The only use of the term "equity" in the Constitution is in the stipulation of article III, section 2, that the "judicial power shall extend to all cases, in law

or equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made under their authority."

While the founders of our Government were at pains to have the Constitution specify that criminal prosecutions and suits at common law are to be tried by jury, they did not insert in that instrument any express limitation upon courts of equity. Adequate reason existed for this omission.

At the time of the adoption of the Constitution, writs of injunction and other equitable remedies were used for the protection of property rights only. As was made clear by the commentary of Alexander Hamilton on the extent of the authority of the Federal judiciary, which has been preserved in the Federalist as Essay No. 80, and which I have caused to be inserted in the RECORD, the founders of our Government contemplated that the equitable jurisdiction of the Federal courts would be exercised within similar limits.

When they placed in article III, section 2, the emphatic and unambiguous declaration that "the trial of all crimes shall be by jury," the founders of our Government intended these plain English words to mean exactly what they said. They believed that this constitutional declaration possessed sufficient vigor to thwart the efforts of those who would convert courts of equity into courts of star chamber and rob Americans of their right of trial by jury by the devious device of extending the powers of equity beyond their ancient limits.

History makes this manifest: If they had dreamed that Americans could be constitutionally robbed of their right of trial by jury by perverting injunctions and contempt proceedings from their historical uses to the field of criminal law, the people of the United States would have rejected the Constitution out of hand. If one is tempted to question the validity of this assertion, let him read Judge Story's affirmation that the omission from the original Constitution of the guaranty of jury trial in suits at common law later embodied in the seventh amendment raised an objection to the Constitution which "was pressed with an urgency and zeal well nigh preventing its ratification."

I submit that the constitutional declaration "the trial of all crimes shall be by jury" does possess the vigor attributed to it by the founders of our Government, and that in consequence it necessarily invalidates by implication any proposal to rob Americans of their right of trial by jury by extending the injunction and contempt processes of equity to the criminal field. If this is not true, this solemn constitutional declaration is but an empty pledge expressed in idle and ironic words.

If power can be conferred upon Federal courts to suppress crime in the civil-rights field by injunctions and contempt proceedings in trials without juries, there is no sound reason why power cannot also be conferred upon such courts to suppress in like manner any and all crimes in the whole catalog of crimes.

In concluding this phase of my remarks, I quote from an article by Judge Henry Clay Caldwell, which appeared in the American Federationist for May 1910:

> These mandatory provisions of the Constitution are not obsolete, and are not to be evaded or nullified by mustering against them a little horde of equity maxims and obsolete precedents which had their origin in a monarchical government having no written constitution. No reasoning and no precedents can avail to deprive the citizen accused of crime of his right to a jury trial guaranteed to him by the provisions of the Constitution, "except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war, or of public danger." These exceptions serve to emphasize the right and to demonstrate that it is absolute and unqualified both in criminal and civil suits, save in the excepted cases. These constitutional guaranties are not to be swept aside by an equitable invention which turns crime into a contempt and confers on a judge the power to frame an extended criminal code of his own, making innocent acts crimes punishable by fine or imprisonment without limit, at his discretion (American Federationist, May 1910).

If the civil-rights bill should be enacted by Congress, and survive the test of constitutionality, it would commit the Federal Government for the first time in our history to the task of enforcing by injunctive process at the expense of the taxpayers the personal and political rights of private individuals. This would be a most dangerous thing, because it would establish government by injunction in the civil-rights field and eventually result in the extension of Government by injunction at public expense to every field involving pressure groups having substantial political strength.

The injunction ought to be restricted to the legal field in which it was designed to operate. It has no rightful place in the field of criminal law, especially when it is perverted to use as a subterfuge to rob Americans of their constitutional right to trial by jury.

If the constitutional and legal systems America has known and loved are to endure, we must compel the Government to remain in its proper field for the enforcement of law against individuals, that is, the criminal field.

Furthermore, if the constitutional and legal systems America has known and loved are to endure, the Senate must reject this monstrous proposal, called a civil-rights bill, which is designed solely and simply to sell constitutional truth to serve the political hour.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. STENNIS. I know that the entire membership of the Senate is indebted to the Senator from North Carolina for a very diligent study of the subject matter of this bill, and a masterly analysis from the standpoint of the fine legal mind, as well as the statesmanlike view of the Senator upon the entire subject matter. I am sorry there are not more Senators present to hear him. I am sure that on many fundamental points there will not be any who will be able to challenge him or to answer some of the fundamentals he has laid down.

I should like to call special attention to one phase of the subject which was touched on only lightly. I ask this question in view of the Senator's very careful study, extending over a 6-month period. Much has been said to the effect that the bill is merely to secure voting rights. I know the Senator has covered that point in his discussion of other subjects, but I should like to have him comment on the phrase that is so often heard and so many times repeated, that the bill is merely a measure to secure voting rights. Can the Senator from North Carolina give us an appraisal of that characterization?

Mr. ERVIN. I am glad to have the opportunity to do so. That statement has been iterated and reiterated. During the course of my speech I said I was going to state one proposition bluntly and plainly, so that he who runs may read and not err in so doing.

I have said there is not a scintilla of truth in the oft-repeated statement that this bill is simply designed to secure voting rights for Negroes in Southern States.

Under the bill, particularly under part 3, which gives the Attorney General the power to bring suit in the name of the United States at the expense of the taxpayers in all of the numerous cases that are to be covered by subsections 1, 2, and 3, of section 1985, of title 42, the Attorney General of the United States could bring suits virtually unlimited in number and nature.

Under one clause of subsection 3, the clause relating to the equal protection of the laws, the Attorney General could bring suit in the name of the United States and at the expense of the American taxpayers, in behalf of any citizen of any race, any alien of any race, and any private corporation, within the territorial jurisdiction of any of the 48 States, upon an allegation that such alien or citizen or private corporation had been discriminated against either by the wording of any State law or by the application to him or it by State officials or local officials of any State law or municipal ordinance.

Therefore, as a matter of fact, under that one clause, out of many clauses in section 1985 of title 42 of the United States Code, the Attorney General could bring suit, at the expense of the taxpayers and in the name of the United States, in every field in which the State or any of its political subdivisions is authorized by our system of government either to act or to legislate.

I cannot conceive of a broader power being given to one public official.

As I said, the Attorney General is given complete authority over this proposed law. He may withhold the benefit of this procedure from some persons and can accord it to other persons. He can use it against some, and refuse to use it against others. No other person in the United States—and I will go further and say in the whole universe—will have anything whatever to do with putting the proposed law into use except the Attorney General of the United States. I have never yet seen a human being who ought to be trusted with power so broad.

Mr. STENNIS. If the Senator will yield further, I should like to ask him one other question. I refer now to the recent Girard will case. I have in mind the carrying over of that power into the field of private property. Stephen Girard's will provided for the use of the services of public officials as trustees. Would it not be possible to extend the power the Senator mentioned to a case of that kind, which is primarily one dealing with private property?

Mr. ERVIN. There can be no question about it. I will say to the Senator from Mississippi that under this bill any person who claimed he had been discriminated against by the administration of the Girard trust by the public officials in charge of the administration of that private trust could ask the Attorney General to bring a suit at the expense of the taxpayers of the United States and in the name of the United States for his benefit. Of course, it would be up to the Attorney General then to say whether he would grant the request of that person.

Mr. STENNIS. I thank the Senator. I shall be brief in my further questioning of him. I should like to invite his attention to page 10, line 4, of the bill, which expressly confers jurisdiction on the district courts of the United States. It states:

> Fifth. The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section and shall exercise the same without regard to whether the party aggrieved shall have exhausted any administrative or other remedies that may be provided by law.

As an experienced lawyer and judge, would the Senator from North Carolina comment expressly on the sweeping provisions in that provision of the bill?

Mr. ERVIN. That has reference primarily to statutes passed by States. As the distinguished Senator from Mississippi knows, there are Federal and State statutes prescribing remedies in virtually every case in which either the Federal Government or the State government has created a public board or commission to administer certain laws, or to regulate business clothed with the public interest. These administrative statutes are administered by men who are experienced in the fields covered by the laws. The statutes afford them an opportunity to correct any errors made by them, and result in the avoidance of a tremendous amount of unnecessary litigation.

Both in courts of law and courts of equity there is a fundamental rule that a person cannot seek judicial relief until he has utilized and exhausted the administrative remedies available to him.

This wise rule would be retained in every field except the civil rights field. Under the civil-rights bill, the Attorney General would have the uncontrolled discretion to strike down any State law prescribing an administrative remedy. The provision mentioned by the Senator from Mississippi would produce a peculiar situation. If the Attorney General should bring one of these suits under the bill, he would automatically nullify every State law prescribing an administrative remedy applicable in that particular case. But, on the contrary, if he were to refuse to bring a suit for a particular individual under the bill, the law prescribing the administrative remedy would remain in full force and effect, and that individual would have to comply with it before applying to the court for relief.

Our friends who support the bill say that it is ideally adapted to secure to everyone equal protection of the laws. However, equal protection of the laws in a procedural sense requires that all persons shall have the right to resort to court for redress without discrimination under the same rules. The bill would prevent that being the case.

Mr. STENNIS. Mr. President, will the Senator yield for one more question?

Mr. ERVIN. I yield.

Mr. STENNIS. I shall make this question very brief. I seldom ask a Senator to yield for more than one question. The Senator discussed the punishment for contempt, and said there would be no limitation on the punishment, and he discussed who would be the judge of the question whether the sentence had been completed or whether the person had purged himself. Will the Senator comment on that point?

Mr. ERVIN. As I construe the provisions of the Clayton Act, which are embodied in sections 402 and 3691 of title 18 of the United States Code, a person charged with indirect contempt in a civil-rights case is entitled to a jury trial. In such a case he also gets the benefit of the limited punishment of not over 6 months' imprisonment and a fine of not more than a thousand dollars to the Federal Government. Under the bill, he is deprived of both of those benefits, and he is subject, if he is tried by a judge, without benefit of a jury, to an unlimited prison sentence and an unlimited fine, save and except that he may not be subjected to excessive punishment under the 8th Amendment to the Constitution.

Mr. STENNIS. Who is the judge as to what the sentence should be?

Mr. ERVIN. It would ordinarily be the judge whose order is allegedly disobeyed.

Mr. STENNIS. I thank the Senator from North Carolina.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. O'MAHONEY. I do not want to deprive the Senator of the floor; I simply desire to make clear in the RECORD tonight that when the opportunity comes, I have an amendment which I desire to propose.

Mr. MANSFIELD. Mr. President, will the Senator from North Carolina yield for the purpose of my suggesting the absence of a quorum?

Mr. ERVIN. I yield.

Mr. MANSFIELD. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

Mr. MORSE. Mr. President, will the Senator from Montana withhold his suggestion of the absence of a quorum to permit me to ask the Senator from North Carolina a question?

Mr. MANSFIELD. I prefer to have the quorum call now, and then to ask that it be rescinded later.

Mr. ERVIN. Mr. President, I ask unanimous consent that I may be permitted to yield to the Senator from Oregon without losing the floor.

Mr. MANSFIELD. Mr. President, I withhold my suggestion of the absence of a quorum.

Mr. ERVIN. After the Senator from Oregon has concluded, I shall yield to the distinguished acting majority leader for the purpose of suggesting the absence of a quorum.

Mr. MORSE. I shall study with great care the legal premises and thesis which the Senator from North Carolina has set forth in his speech this afternoon, but I wish to ask him a question based upon an assumption.

Let us assume that careful study proves that the Senator from North Carolina is completely correct in his argument that the bill gives unchecked discretionary power to the Attorney General. The Senator referred to the contention of some of our colleagues that they are insisting upon the bill in order to give equal protection of the laws to all citizens, irrespective of race, color, or creed.

Does the Senator from North Carolina agree with me that if his assumption is correct, and such arbitrary discretion is vested in the Attorney General, under the bill, then the bill is, in fact, a guaranty that there will not be equal protection of the law under the bill; because when unchecked discretionary power is given to any administrative officer, citizens are denied equal protection under the law, and their rights are determined entirely by the pleasure, the whim, and the caprice of the administrative officer who is given the unchecked power?

Mr. ERVIN. I agree absolutely with the distinguished Senator from Oregon. I say, in that connection, from my own convictions as a lawyer and a legislator, that courts are created to administer equal and exact justice according to certain and uniform laws which apply alike to all men in like circumstances. When law is applied by a public officer on a discretionary basis, the whim and caprice of the officer are the law.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. LAUSCHE. Do I understand correctly the statement of the Senator from North Carolna, that, in his opinion, the framers of the Constitution, when they attempted to outline the operation of the courts, considered the jurisdiction existing in the courts of law and the courts of equity in England; and based upon their knowledge of what the jurisdiction was then in equity, in civil actions in law, and in criminal actions in law, they concluded that there should always be trial by jury when the amount of money involved was $20 or more, and when imprisonment was the consequence of a finding of guilty?

Mr. ERVIN. I think there can be no question about that. In other words, Alexander Hamilton, who argued for the

ratification of the Constitution, stated, in effect, that equity was intended to operate in the future substantially as it had operated in the past.

Mr. LAUSCHE. Am I correct in my understanding that there was constantly applied to the consciences of the chancellors in the courts of equity of England a sort of unwritten prohibition, which was, "Do not take jurisdiction of any case where there exists an adequate remedy at law"?

Mr. ERVIN. Absolutely. That is the first rule of equity, I should say. The primary rule of equity is that where there is an adequate remedy at law, equity cannot be invoked

Mr. LAUSCHE. I think that is correct. I believe the chancellors of the English courts were especially careful never to assume jurisdiction when it appeared that there was an adequate remedy under the civil law.

If I may delve a bit further, somewhere I once read that to rely upon chancellors was a dangerous practice, that they ruled according to their whims and caprices.

It has been said that a chancellor searches his conscience and renders judgment accordingly. But one chancellor spoke up and said, "That is a dangerous rule. The consciences of chancellors vary just as do the sizes of their toes. Some have large consciences, and others have practically no conscience at all."

It was for that reason that an unwritten law applied; namely, "Chancellor, be careful before you take jurisdiction, because it is the purpose to have actions tried in law, where the procedure is outlined, the law declared, and the method of a finding of guilt is determined."

May I ask the Senator from North Carolina whether through the years from the time the Constitution was written there has not been an expansion, by legislation, of the jurisdiction of equity in transgression of the principles which originally were dominant?

Mr. ERVIN. There is no question that legislative bodies have authorized courts of equity to act in cases which are no more similar to the original fields than the Milky Way is to the sun, as I believe Judge Caldwell says. But we have never gone quite so far as this bill does in the wholesale evasion of the constitutional right and statutory right of trial by jury.

Mr. LAUSCHE. The fear of the Senator from North Carolina is that the ancient rules which protect the individual in a court of law, and which do not entrust his rights to the whims and caprices of the judge in equity, will be violated and will be circumvented by the expansion of the jurisdiction in equity.

Mr. ERVIN. That is true. If the people can be robbed of their right of trial by jury, by converting crimes in the field of civil rights into contempts of court, they can be robbed of their rights in every field of criminal law, and the solemn guaranties of the right of trial by jury and the right of indictment by grand jury will become mere empty pledges expressed in idle, ironic words.

Mr. LAUSCHE. I thank the Senator from North Carolina.

Mr. ERVIN. I appreciate the observations of the Senator from Ohio.

Mr. MANSFIELD. Mr. President, I again suggest the absence of a quorum.

Mr. ERVIN. Mr. President, I yield for that purpose.

The PRESIDENT pro tempore. Obviously a quorum is not present. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	Gore	Mundt
Allott	Green	Murray
Anderson	Hayden	Neuberger
Barrett	Hickenlooper	O'Mahoney
Beall	Hill	Pastore
Bennett	Holland	Payne
Bible	Hruska	Potter
Bricker	Humphrey	Purtell
Bush	Ives	Revercomb
Byrd	Javits	Robertson
Capehart	Jenner	Russell
Carlson	Johnson, Tex.	Saltonstall
Carroll	Johnston, S. C.	Schoeppel
Case, N. J.	Kefauver	Scott
Case, S. Dak.	Kennedy	Smathers
Chavez	Kerr	Smith, Maine
Church	Knowland	Smith, N. J.
Clark	Kuchel	Sparkman
Cooper	Langer	Stennis
Curtis	Lausche	Symington
Dirksen	Long	Talmadge
Douglas	Malone	Thurmond
Dworshak	Mansfield	Thye
Eastland	Martin, Iowa	Watkins
Ellender	Martin, Pa.	Wiley
Ervin	McClellan	Williams
Flanders	McNamara	Yarborough
Fulbright	Morse	Young
Goldwater	Morton	

Mr. MANSFIELD. I announce that the Senator from Delaware [Mr. FREAR], the Senator from Washington [Mr. JACKSON], the Senator from Washington [Mr. MAGNUSON], and the Senator from West Virginia [Mr. NEELY] are absent on official business.

The Senator from Missouri [Mr. HENNINGS] is absent by leave of the Senate because of illness.

The Senator from Oklahoma [Mr. MONRONEY] is absent because of illness.

Mr. DIRKSEN. I announce that the Senator from New Hampshire [Mr. BRIDGES] is absent because of illness.

The Senator from Maryland [Mr. BUTLER] and the Senator from New Hampshire [Mr. COTTON] are absent on official business.

The PRESIDING OFFICER (Mr. SPARKMAN in the chair). A quorum is present.

Mr. O'MAHONEY. Mr. President, legislation proceeds by compromise. I have been in the Senate now, with a slight leave of absence, since the first day of January 1934, and I have known that bill after bill which passes this body and the House of Representatives and finally becomes law is hammered out upon the anvil of compromise. It is impossible for any person to stand before a legislative body in a free government and say, "I know what the law ought to be." In a free government those who propose legislation must be willing to compromise if they want to get results; and, Mr. President, I have no hesitation in expressing my view that there comes a time when, in the interest of the country itself and the progress of humanity, no minority should be in a position to prevent the enactment of necessary and essential legislation.

AMENDMENT IS A COMPROMISE

I rise this afternoon to speak upon this subject because I desire to suggest an amendment which, if this bill becomes the unfinished business of the Senate, I shall offer at an appropriate time. The amendment I intend to offer is in the nature of a compromise. It is designed to bring about a meeting of the minds, whereby those who are for a civil-rights measure and those who oppose it can unite in the firm belief that they are granting voting rights to the Negro population of the Nation, including the South. I know that in many parts of that area the right of the Negro to vote has already been recognized and protected.

These steps in expanding the right to vote are inevitable and they should be—I think they can be—completed now. In order to bring this about we should be willing here to make such compromises in the drafting of this bill as may accomplish the result we seek. As we approached the hour of 2 o'clock this afternoon several Members of the Senate, of whom I was one, arose to ask the majority and minority leaders if bills which they regarded as of some emergency character could be considered, and we were told that such consideration could not be granted in the circumstances that now exist.

WORLD FACES CRISIS TODAY

There is nobody within the sound of my voice, and certainly nobody in the United States, who does not know that the whole world is now involved in the greatest political and economic turbulence that ever existed. We have had wars in certain localities. We have had world wars; but never before have we been standing in such a perilous position as now. This is indicated by the fact that there are men of wisdom who predict a third world war may easily break upon us. We know that if it does, with nuclear fission having resulted in the production of the most destructive weapons that the imagination of man ever conceived, the result could easily be the destruction of civilization itself.

THIS COUNTRY MUST SAVE HUMAN RIGHTS

Civil rights will be of no value to anybody on either side if we should have a third world war, but the underlying fact which we must recognize is that the United States of America is the leader—the only effective leader in the whole world—to save for mankind equal rights, freedom of conscience, the dignity of man, the banishment of arbitrary power in whatever guise it appears.

If there is anything everybody must acknowledge about the Government of the United States—its Constitution and its form—it is that it was designed to make it possible for the people to rule themselves. Our Government was created to be an instrument of the people—and that meant all the people. It knew no division by race or creed or color.

The men who founded this Nation were thinking of the people that God Almighty created, and not about the divisions—the social divisions, the divisions of prejudice, and the divisions of

misunderstanding—that rise up to separate them.

I have prepared an amendment which I intend to propose if the civil-rights bill is taken up for consideration. I shall offer the amendment in the belief, or at least in the fond hope, that it can and will bring about a compromise. I shall read the amendment in a moment.

BILL WOULD ALLOW ATTORNEY GENERAL TO BRING SUIT FOR PRIVATE INDIVIDUALS

Senators should bear in mind, as has already been stated upon the floor by the distinguished Senator from Ohio [Mr. LAUSCHE], and the distinguished Senator from North Carolina [Mr. ERVIN], that the law of equity is a development of the ancient law of Britain which was known as the exercise of the conscience of the king. Equity was called into play when there was no opportunity to redress grievances in the courts of law. And certainly in our country it has always been the rule that a court of equity would not consider any plaintiff's case if the plaintiff had not sought administrative remedies provided by the laws of the State within which the plaintiff resided.

I do not know how many Members of the Senate have heard the facts which have been pointed out as to the provisions in the bill now on the calendar by vote of the Senate, which preferred not to allow the bill to go to the Committee on the Judiciary. There are two provisions which give the Attorney General the right to bring suit on behalf of the United States and on behalf of private litigants. I wish to invite attention to the fact that on page 9, in part III, which is entitled "To Strengthen the Civil Rights Statutes, and for Other Purposes," the Attorney General is given this power in these words:

Fourth. Whenever any persons have engaged or there are reasonable grounds to believe that any persons are about to engage in any acts or practices which would give rise to a cause of action pursuant to paragraphs first, second, or third, the Attorney General may institute for the United States, or in the name of the United States, a civil action or other proper proceeding for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order. In any proceeding hereunder the United States shall be liable for costs the same as a private person.

Paragraph fourth which I have read is from the bill before the Senate. It is not a part of existing law. Any person seeking to determine what this paragraph provides must go elsewhere, beyond the pages of the bill, to find out what the provisions of the first, the second, and the third paragraphs of existing law are. How many people know that those provisions were written into law almost 100 years ago?

It was in 1861 that the Congress of the United States enacted the statutes which I hold in my hand. These are paragraphs 1, 2, and 3 of section 1985 of Title 42 of the United States Code. The volume I have in my hand is labeled "Property of the United States Senate Library."

The first of these paragraphs provides:

(1) Preventing officer from performing duties

If two or more persons in any State or Territory conspire to prevent, by force, intimidation, or threat, any person from accepting or holding any office, trust, or place of confidence under the United States, or from discharging any duties thereof; or to induce by like means any officer of the United States to leave any State, district, or place, where his duties as an officer are required to be performed, or to injure him in his person or property on account of his lawful discharge of the duties of his office, or while engaged in the lawful discharge thereof, or to injure his property so as to molest, interrupt, hinder, or impede him in the discharge of his official duties;

Then there are recited paragraph 2 and paragraph 3.

Mr. President, I ask unanimous consent that they may be printed in the RECORD at this point without my reading them.

There being no objection, the paragraphs were ordered to be printed in the RECORD, as follows:

(2) Obstructing justice; intimidating party, witness, or juror.

If two or more persons in any State or Territory conspire to deter, by force, intimidation, or threat, any party or witness in any court of the United States from attending such court, or from testifying to any matter pending therein, freely, fully, and truthfully, or to injure such party or witness in his person or property on account of his having so attended or testified, or to influence the verdict, presentment, or indictment of any grand or petit juror in any such court, or to injure such juror in his person or property on account of any verdict, presentment, or indictment lawfully assented to by him, or of his being or having been such juror; or if two or more persons conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State or Territory, with intent to deny to any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws;

(3) Depriving persons of rights or privileges

If two or more persons in any State or Territory conspire or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; or if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages, occasioned by such injury or deprivation, against any one or more of the conspirators.

FOR NEARLY A CENTURY CITIZENS HAVE HAD RIGHT TO SUE WHEN CIVIL RIGHTS INVADED

Mr. O'MAHONEY. The third paragraph ends with this clause—and remember, it refers to all the provisions of subsections 1, 2, and 3 of section 1985, Title 482, United States Code:

The party so injured or deprived may have an action for the recovery of damages, occasioned by such injury or deprivation, against any one or more of the conspirators.

That provision of law was written upon the statute books of the United States by the act of July 31, 1861. This was clear law giving to individuals who were injured by the invasion of their civil rights the personal right to bring an action for the recovery of damages.

I invite the attention of the Senator from North Carolina to the fact that this law was enacted in 1861, not 1871. The Senator from North Carolina thought I was 10 years off, but I have the facts before me.

This has been the law all through these racial fights, all through the struggle to bring equality of voting rights and civil rights to the Negro population of the United States.

Added to that section is the section I have just read from the bill, giving the Attorney General the right to bring the suit when the citizen does not act. That would have the effect, in turn, of bringing about a confusion of law and equity which could easily result in the very undermining of the Bill of Rights itself.

That is not the only section. There is another section. I refer to section 1971 of Chapter 20, Title 42, United States Code. I read from the same volume, on page 6214——

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. LAUSCHE. On what page of the bill before us is the section which the Senator contemplates reading to be found?

Mr. O'MAHONEY. The section which I read was on page 9, beginning in line 16. It is the fourth provision, a new provision to be added to the existing law of 1861. It would give the Attorney General the right to institute for the United States, or in the name of the United States, "a civil action or other proper proceeding for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order" on behalf of the citizens for whose benefit the law of 1861 was written.

The words do not in themselves spell out the meaning of the proposed new law so that he who runs may understand as well as read.

Those words mean that the Attorney General of the United States may bring a suit which a citizen of the United States who has been injured does not desire to bring.

Mr. LAUSCHE. Does the Senator contemplate reading another section.

Mr. O'MAHONEY. Yes.

Mr. LAUSCHE. On what page of the bill is the section which the Senator now contemplates reading to be found?

Mr. O'MAHONEY. It is to be found on page 10.

Mr. LAUSCHE. Under the heading "Part IV"?

RIGHT TO VOTE LAW HAS BEEN ON STATUTES SINCE 1870

Mr. O'MAHONEY. Part IV, beginning in line 21. It would be interesting to read all of this, because it illustrates how difficult it was to draft the bill. I read beginning in line 21:

SEC. 131. Section 2004 of the Revised Statutes (42 U. S. C. 1971), is amended as follows:

(a) Amend the catch line of said section to read, "Voting rights."

Then we proceed to page 10—

(b) Designate its present text with the subsection symbol "(a)."

I wish to read the subsection which becomes designated by the symbol "(a)."

It is existing law. I find it in Title 42, Chapter 20, section 1971:

All citizens of the United States who are otherwise qualified by law to vote at any election by the people in any State, Territory, district, county, city, parish, township, school district, municipality, or other Territorial subdivision, shall be entitled and allowed to vote at all such elections without distinction of race, color, or previous condition of servitude; any constitution, law, custom, usage, or regulation of any such State or Territory, or by or under its authority, to the contrary notwithstanding.

When was that law enacted? That comes from the act of May 31, 1870. It is Chapter 114, section 1, of the Session Laws, 16th Statute, page 140. That law has been on the statute books, granting the perfect right to vote to all citizens included within the 14th amendment, since the 31st day of May 1870.

RESTRICTING QUALIFICATIONS HAVE BEEN MAINTAINED

I have no doubt—in fact I know—that this law has been violated. I know that, in some places, Negroes have not been permitted to vote. I know that qualifications were established, such as the poll tax qualification. Sometimes there were cumulative taxes to be paid, designed for the purpose of preventing such voting. But I also know that when I first became a Member of the Senate there were at least 8 Southern States that had poll tax qualifications which were alleged to be used to prevent voting. But I know that at the same time there were poll tax qualifications in certain States in the New England area.

As a matter of fact, when the Constitution was adopted, no one in the State of Pennsylvania could vote unless he was a landowner. The poll tax was invented in Pennsylvania for the purpose of spreading the right of voting to the workingman, who had been denied the right to vote because he was not the owner of land.

THERE HAS BEEN GREAT PROGRESS IN CIVIL RIGHTS

When I first became interested in this matter as a member of the Committee on the Judiciary I found that there were about 8 States which still maintained the poll tax as a qualification for voting.

Now I understand there are not more than three. I know there is not a Senator who would not be willing to appear in court before the former judge of the North Carolina Supreme Court, now Senator, SAM ERVIN, confident that in any case he might have in litigation before this man he would receive justice and fairness and equity.

We know our brethren of the South in the Senate. We deal with them constantly. We know they have made great progress in the program of building up racial relations. We in the United States from the North and East and West and Middle West and South and Southwest, or wherever we may come from, can take great pride in the fact that greater progress has been made with respect to social justice and civil rights among our colored brethren in this country than in south Africa, for example.

I do not hesitate to make the comparison, and I know that it is all in favor of those who constitute the governments of the Southern States.

But there are places where justice is not done. There are places in the South—not many of them—where justice is not done, and I have in mind particularly one case which has been getting some press notices in recent days, where the practice invented by Elbridge Gerry of Massachusetts, to gerrymander the districts, is threatened to be adopted. Gerrymandering is older than the Constitution of the United States. It is not distinctive to any Southern State.

ETHICAL AND SPIRITUAL PROGRESS RESULTS NOT FROM GOVERNMENT BUT FROM HIGH RELIGIOUS CONCEPTS

We know perfectly well, as intelligent men, that we are dealing with millions of human beings. We know that we are dealing with a deep social ailment. Certainly our experience has been such that we know that no government can control by law the habits, the desires, and the actions of individuals.

The improvement of ethical standards and the improvement of spiritual standards come not from adherence to forced laws or submission to forced laws, but from following the teachings of high religious concepts. We know perfectly well, those of us who believe in Almighty God, that God made men equal and that He made them free. We know that God Almighty could have prevented, if He had so desired, any force to guide the conduct of his sons upon earth. He could have prevented murder and rapine, and all other crimes, even those that are committed in the name of religion itself. However, God Almighty did not do that. He laid down the Ten Commandments as guides, because he wanted freemen to reach the great height from which the angels were banished because of their unwillingness to follow the high spiritual concepts in which we believe.

We know that an attempt was made to stop the consumption of intoxicating liquor by adopting a constitutional amendment, and that it resulted in the production of gangsterism, not in the production of prohibition.

God made men free, and no power in government can compel men to yield their freedom to any law.

That is the heart of free government. That is why this Government of ours was founded—to give the people an opportunity to rule and to make government the servant of the people, not the master.

BILL OF RIGHTS GUARANTEES PEOPLE'S LIBERTIES

I can understand why some of our colleagues of the South might feel that the proposal giving the Attorney General the authority to go into any State and bring suit on behalf of any citizen might result in suppressing the liberties guaranteed to men by the Constitution. The Bill of Rights was written by a gentlemen's agreement, not into the Constitution when it was drafted, but after that document had been submitted to the States, and when it became apparent that there were patriotic leaders who would not vote to ratify the Constitution unless an agreement were reached that a Bill of Rights would be added by the First Congress.

George Washington was the first President of the United States, and he had been President of the Constitutional Convention. He knew what was in the Constitution and what was not in it. In his message to the First Congress he recommended the adoption of a Bill of Rights, the purpose of which was to make sure that the new government would not be the master of the people.

That is what the Bill of Rights means, and nothing else.

PURPOSE OF AMENDMENT IS TO EFFECT MEETING OF MINDS

I do not go so far in my amendment as to attempt to make changes in the bill which I would have made had I been drafting it. I am presenting here today, for offering if the occasion arises, an amendment which I hope will have the effect of bringing about a meeting of minds among the Members of the Senate. I trust that my brothers of the South, who have already made so much progress in the field of social relations, will take another great step of progress in that direction, and grant complete voting rights to the Negroes, so that Negroes will not be intimidated and will not be coerced, and that their jobs will not be endangered if they present themselves to register, for example.

I should like to say to my friends from the South that I have honored and respected and admired them ever since I became a Member of the Senate. I know their ability; I know their gallantry; I know their readiness to serve the public. I say to them that the greatest issue before us today is the maintenance in the United States of such an example of freedom among its citizens that the peoples of the satellite nations, the peoples of Europe, the peoples of Africa, the peoples of Asia, will want to follow our leadership. We certainly know that if we fail because of the incitement to anger, hatred, and violence within the boundaries of the United States by an appeal to force, we will have raised the emotional stresses to a higher pitch. It will be like a cancer eating at our capacity to unite for the peace of the world.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

MR. LAUSCHE. The Senator a few moments ago quoted from section 131, section 2004, of the Revised Statutes——

Mr. O'MAHONEY. No; section 131 is the section of the bill.

Mr. LAUSCHE. Of the bill; yes.

Mr. O'MAHONEY. Section 2004 is the section of the Revised Statutes. That is the act of May 31, 1870.

Mr. LAUSCHE. Yes. The Senator read the law as it exists.

Mr. O'MAHONEY. That is correct.

Mr. LAUSCHE. Is the Senator in a position to explain what the bill will do concerning that law, forgetting for the moment the amendment which the Senator is about to offer?

Mr. O'MAHONEY. Oh, yes; I am very glad to do that, because the new proposals follow right along on page 11. An interesting mistake is revealed here, a mistake made by the legislative draftsmen. I call the Senator's attention to the last word in line 3.

Mr. LAUSCHE. On page 11?

Mr. O'MAHONEY. I read from page 11, line 3, as follows:

(c) Add, immediately following the present text, three new subsections to read as follows.

Then, if the Senator will observe, on page 11, line 5, there is subsection (b); on line 17, subsection (c); on page 12, line 5, subsection (d); and on page 12, line 10, subsection (e).

In other words, although they have said they were adding three new subsections, they in fact added four new subsections. Does the Senator from Ohio see those paragraphs to which I have pointed?

Mr. LAUSCHE. Yes.

Mr. O'MAHONEY. This is another case in which the Attorney General is given the right to institute a civil action, or rather a proper procedure for preventive relief, including an application for a permanent or a temporary injunction.

In order to lay the basis of a compromise, this is the amendment which I intend to propose, if it becomes essential.

Mr. WILEY. Has the amendment been printed?

Mr. O'MAHONEY. I am going to ask that it be printed.

At the end of the bill I propose to add the following:

PART V—JURY TRIALS IN CERTAIN CONTEMPT CASES

SEC. 151. In any proceeding for contempt of any injunction, restraining order, or other order issued in an action or proceeding instituted under the fourth paragraph of section 1980 of the Revised Statutes or under subsection (c) of section 2004 of the Revised Statutes, the court shall, if it appears that there are one or more questions of fact to be determined, order that such questions of fact shall be tried by a jury in a trial conducted according to the mode prescribed by law for suits coming within the purview of the seventh amendment to the Constitution of the United States.

JURY TRIAL WOULD BE REQUIRED ONLY WHEN THERE ARE FACTS TO BE PROVED

Let it be observed that the amendment applies only to proceedings for contempt of an order of the court. It applies only when the substantial rights of a citizen of the United States are threatened by an equitable action which gives to the judge the power of imprisoning the individual involved and does not relate to those cases where the facts are clear.

In other words, this is an attempt to apply the historic doctrine of the king's conscience where there is no remedy at law and no administrative remedy. It does not compel a court trial when the contempt is committed in the presence of the judge—certainly not. That would not be proper at all. It applies only, as to a jury trial, when third persons may be involved.

How is it possible, for example, to determine, without a jury, who are involved in the following cases recited in the present statute? I am now referring to section 1980 of the Revised Statutes, the act of July 31, 1861, paragraph 2.

Let me begin with paragraph 3:

(3) Depriving persons of rights or privileges: If two or more persons in any State or Territory conspire or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; or if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; in any cases of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages, occasioned by such injury or deprivation, against any one or more of the conspirators. (Revised Statutes, sec. 1980.)

These are cases which obviously may easily involve third persons, fourth persons, or fifth persons who are not before the court at all. It is not at all clear that the persons charged may have been the persons who were in disguise in fact.

On the contrary, consider the case of voting. If a voter appears before the board of registry and is denied the right to vote, and if that case is taken before the court, and the court orders, by injunction, the board of registrars to register the voter, the judge is free. He does not have to call a jury in that instance, because the registrars are those who are named by law. If the officially elected registrars of a county decline to register a Negro voter, then the court can put the whole board of registry in jail for contempt without a trial by jury.

So I believe I have presented to the Senate an amendment—a jury trial amendment—which is unlike anything which was presented in the House; an amendment which is based upon fundamental American principles.

Mr. President, I ask that the amendment be printed and lie on the table.

The PRESIDING OFFICER (Mr. SPARKMAN in the chair). The amendment will be received, printed, and lie on the table.

Mr. O'MAHONEY. I do this in order that the amendment may be in the hands of every Senator for further consideration as we engage in this great debate—and it is a great debate.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. LAUSCHE. The Senator from Wyoming quoted from two sections. One concerns the interference with a public official in the performance of his duty. The other deals with the denial to a citizen of the right to vote.

My recollection is that in describing the remedy, the Senator from Wyoming said there was existent an action for damages at law. My question is this: Is any other remedy provided, if and when those laws are violated? Perhaps the Senator from North Carolina [Mr. ERVIN] can help in answering the question.

Mr. O'MAHONEY. I have not made a canvass of all the laws of the various States upon this matter. I have been dealing only with the law of the United States. I shall be very happy to have the Senator from North Carolina respond to the question.

Mr. ERVIN. In answer to the question of the distinguished Senator from Ohio, I would say I have made what I regard as a thorough study of all the statutes dealing with civil rights. In my judgment as a lawyer, there is a Federal statute which makes a crime of every act dealt with by every clause of either one of the sections of Title 42 which is proposed to be amended by the bill.

Mr. LAUSCHE. That answers my question.

Am I correct in understanding that under the laws to which reference has been made and the laws which deal with remedies, provision is made for an action at civil law for damages and an action at criminal law for punishment of the transgression?

Mr. ERVIN. That is correct. In other words, every one of the civil rights defined in either of those sections is now enforceable in either of three ways: either by a criminal prosecution by the Government, or by a private suit for damages by the party aggrieved, or by a private suit for equitable relief by the party aggrieved.

Mr. O'MAHONEY. Mr. President, perhaps the Senator from Ohio may find the answer to his question further spelled out in section 1988 of Title 42 of the United States Code, on page 6216. The section is entitled "Proceeding in Vindication of Civil Rights." It is Revised Statutes, section 772. It was adopted on April 9, 1866, and is Chapter

31, section 33 of 14 statutes, at page 27. It was amended on May 31, 1870, Chapter 114, section 18, which is recorded as 16 statutes 144.

Mr. HOLLAND. Mr. President, will the Senator from Wyoming yield?

Mr. O'MAHONEY. I yield.

Mr. HOLLAND. First, as one humble southerner, I wish to express my very deep appreciation of the understanding and the Christian tolerance displayed by a distinguished Senator—the Senator from Wyoming [Mr. O'MAHONEY]—for whom I have very deep affection. I know his statements today stem from a very warm heart, to which I wish to pay my meed of tribute.

Mr. O'MAHONEY. The Senator from Florida is very, very kind.

Mr. HOLLAND. Second, Mr. President—because I have made some study of the subject—I should like to refer, in connection with the general figures the distinguished Senator from Wyoming has given relative to the poll tax situation in the Southern States in recent years, to a more or less correct-to-the-hour compilation, if I may do so with his approval.

Beginning with the list of 11 Southern States at the commencement of the current change in this situation—to which the distinguished Senator from Wyoming has so warmly referred—the States which banned the poll-tax requirement as a prerequisite for voting in all elections, whether for Federal officials or for State or local officials, are as follows:

North Carolina led the way some years ago, followed by Louisiana. I am glad to see present at this time the senior Senator from North Carolina [Mr. ERVIN] and the junior Senator from Louisiana [Mr. LONG].

I believe my own State of Florida followed, being the 3d of the 11. It happened to be my honor to be a member of the State Senate of the State of Florida when that change was made.

Georgia was the fourth.

South Carolina was the fifth.

Tennessee—so ably represented here by both the splendid Senators from that State [Mr. KEFAUVER and Mr. GORE]—was the sixth.

The five States which continue to have a poll-tax requirement of some kind or another, in almost every instance have ameliorated that requirement either by providing that persons beyond a certain age shall not be liable to pay, or by providing that persons engaged in military training shall not be required to pay, or by providing that persons with certain kinds of physical handicaps shall not be required to pay. There has been such scant enforcement of that law in some of those States as to bring about a much more salutary condition—that is to say, salutary from the standpoint of the Senator from Florida—as compared with the condition existing some years ago.

So I think the distinguished Senator from Wyoming is thoroughly within his rights and within the facts when he calls attention on the RECORD to the fact that the Southern States have made vast progress in this regard. I appreciate his having done so.

I hope the distinguished Senator from Wyoming will also share with me the feeling that a big blind spot in the proposed law, in connection with which the Senate is engaging in debate on the question of proceeding to its consideration—arises from the failure of the authors of the proposed law to realize that they fail to touch or affect or in any way ameliorate the condition of some hundreds of thousands of citizens, both white and colored, in the five States which still require the payment of a poll tax; they fail to give them any consideration whatsoever under the provisions of the bill. They do so by basing the bill—which I am sure they regard as a corrective proposed law—simply upon the number of persons, and the very persons, who are permitted to vote under the provisions of existing State laws.

Mr. O'MAHONEY. Mr. President, I dislike to interfere with the very nice, complimentary remarks of the Senator from Florida; but I wish to say that the President of the United States himself, the Honorable Dwight D. Eisenhower, has testified to his confidence in the leadership of the South. He selected the great Senator from Georgia, Walter George, to be his Ambassador to NATO. And when the problem of the Middle East came up, President Eisenhower selected a leading member of the House of Representatives, one from the State of South Carolina, Mr. Richards, to be his representative and his ambassador to the Middle East, in connection with the great battle to save that area from communism. So, Mr. President, all I ask my colleagues to do is to open their eyes and look at the great contributions the South has made, and to have some confidence in the ability of the South to make more contributions. Without regard to race or color, they will come; they will come through.

Mr. President, every night, on the television and the radio, and in the newspapers, in the magazines, and elsewhere, we hear of or see that the conquest of racial discrimination is occurring, and racial discrimination is being overcome. That does not mean integration in the sense of the mixing of the races. It merely means that the people of the United States recognize the fact that the Almighty created the men and women who populate the earth, and has given them a Teacher who has tried to lead them by their own free will, not compel them by the lash.

Mr. President, the time has come for those of us who serve in the Senate of the United States to find a way to work out a compromise which will enable all of us—white, black, red, or whatever color—to stand in unity for the preservation of free government in the world.

Mr. President, I yield the floor.

DISASTER RELIEF IN MINNESOTA

Mr. HUMPHREY. Mr. President, during the past week my assistant has been traveling through the most seriously flooded areas of the State of Minnesota, discussing with State and local officials and with farm leaders the problems caused by the severe rains and floods since mid-June.

Although the Federal Civil Defense Administration and the Small Business Administration have moved in promptly and effectively, the Department of Agriculture has, I regret to say, moved in many cases both belatedly and ineffectively to bring assistance to the farmers affected by the disaster.

Although I requested on June 21 that a coordinated effort be initiated in the State of Minnesota to administer a disaster-relief program, and although the Under Secretary of Agriculture informed me on June 27 that a State USDA disaster committee had been appointed, I determined last week that there was in fact no coordinated effort under way. Indeed, the committee designated had not even met.

Mr. President, today I sent to the Secretary of Agriculture a letter bringing these facts to the Secretary's attention, and requesting that specific dates be set up for the discussion of disaster relief between farm leaders and the State USDA disaster committee. I ask unanimous consent to have printed at this point in the RECORD the text of my letter to Secretary Benson.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JULY 8, 1957.

The Honorable EZRA TAFT BENSON,
Secretary of Agriculture, United States Department of Agriculture, Washington, D. C.

DEAR MR. SECRETARY: In my letter of June 21, you will recall I expressed concern regarding lack of coordinated handling of flood disaster aid in Minnesota.

In a reply to me on June 27, Under Secretary Morse assured me that you had a coordinated flood-relief program embracing your various agencies, that you had a State USDA disaster committee in Minnesota which was doing this coordinating, that the State ASC chairman headed this group, and that the State civil-defense director was a member of the committee.

Under Secretary Morse repeated these assurances at the conferences held by the Minnesota Congressional delegation and other Senators with officials of your Department and other departments last Monday. At that time, I expressed the belief that much of the supposed coordination in reality did not exist, but rather appeared to be paper coordination.

I regret to report confirmation of that conclusion. Right after the Monday meeting, I sent one of my assistants to Minnesota to participate in conferences in the flooded area to which your Department sent representatives. On discussing this situation with Mr. Sjolander, the State ASC chairman, he indicated little more than vague knowledge about some kind of a disaster committee. He said he had received no instructions about acting in the present emergency. The supposed coordinating committee had never met. The State civil-defense director had never been informed of his supposed role as a member of that committee. In other words, while your Farmers Home Administration is functioning as an individual agency, the USDA is not functioning as a coordinated unit in handling the disaster. I went out to the State myself on Wednesday. I found further confirmation of this lack of coordination and no semblance of using the farmer committees in an organized way to provide

either estimates of losses or recommendations of what assistance is needed and what type of aid would be most effective.

For that reason, I would like to ask you to instruct the State USDA disaster committee chairman for Minnesota to call his committee together for a full meeting in Marshall, Minn., on July 16, and again at Oklee, Minn., on July 17, at open sessions at which farm spokesmen and local and State officials may discuss with the committee efforts to develop an overall relief program.

I understand this request is being conveyed to your ASC chairman both by the Natural Disaster Coordinator of Civil Defense, Mr. Edward George, and by State legislators from the major flooded areas.

I want to ask further that the county farmer committees in each flooded county be asked to submit recommendations of what they believe can and should be done to assist in meeting this emergency problem. I want also to be provided with copies of these recommendations, along with estimates of the amount of funds which might be required to carry out such programs.

In the meantime, because if it is to be effective, action must be taken during this week, I wish to urge that you permit farmers in the counties of Pennington, Red Lake, Clearwater, Polk, and Marshall to pasture their livestock on soil-bank acres or to take hay from these acres which have not been so badly flooded as to destroy the hay crop. There is a feed situation in this area which is critical, because delay of more than a week will cost the loss of much of the hay crop. Permitting farmers to use this pasture and feed, while still permitting the owner of the land to retain his soil-bank payments, would not cost the Government a dollar, and it would do much to keep many farmers going in this area until a more comprehensive program of assistance can be developed.

Sincerely yours,

HUBERT H. HUMPHREY.

Mr. HUMPHREY. Mr. President, at a meeting attended by my assistant last Friday evening, July 5, at Gully, Minn., more than 300 farmers from the counties of Red Lake, Pennington, Polk, Marshall, and Clearwater passed unanimously the following 3 resolutions calling on the Secretary of Agriculture to take specific action for the relief of farmers in the 5-county area who are been severely affected by the heavy rains and floods of recent weeks:

Resolved, That the Farmers Home Administration be requested to extend the time for repayment or to write off existing seed loans for those farmers hurt by the recent floods.

Resolved, That the Secretary of Agriculture institute a special agricultural conservation practices program to give payments to flooded-out farmers for conservation practices such as deep tillage, summer fallow, and green cover.

Resolved, That the Farmers Home Administration be requested to institute a program of 3-percent, 5-year loans for refinancing and consolidating existing debts and for operating expenses for farmers in the flood-damaged areas.

Mr. President, I am hopeful that the Secretary of Agriculture will see fit to take action yet in the case of our flooded-out Minnesota farmers, as in the case of farmers who have also lost so much of their 1957 crop in Louisiana, Oklahoma, Texas, Missouri, Arkansas, Indiana, and other States.

This disaster situation is a great challenge to the Secretary of Agriculture and to the Department of Agriculture. Let us hope that he rises to this challenge and institutes the kind of positive, effective program that is within his existing authority to undertake.

CIVIL RIGHTS

Mr. WILEY. Mr. President, I listened with profit to the fine discussion this afternoon of the Senator from Wyoming. I thought the Senator was extremely powerful in his logic as well as in his presentation. I always profit from listening to what the Senator has to say.

Mr. O'MAHONEY. The Senator from Wisconsin is overgenerous.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. RUSSELL. I was called off the floor and was not here when the distinguished Senator from Wyoming made his magnificent presentation in regard to the amendment he intends to propose to the bill which it is now sought to take up by motion. I merely wish to make this observation. If there has been a speech made in the great liberal tradition of the Senate in my time, it was the address of the Senator from Wyoming [Mr. O'MAHONEY]. Mr. President, if there is any one thing that those who are genuine, bona fide liberals completely believe in, it is the right of every American citizen to a jury trial in all appropriate cases; and the remarks of the Senator from Wyoming stamp him as being a true liberal and one who does not have to depend on a self-applied tag of liberalism.

Mr. O'MAHONEY. I thank the Senator.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. ERVIN. I should like to express to the able and distinguished Senator from Wyoming my deep personal appreciation of the exceedingly generous remarks he made in reference to me, and also to say that as a result of contacts I have had with him while serving in the Senate and serving on mutual assignments we had in Chicago, I have long since learned to admire the Senator from Wyoming for the great qualities of his head and to love him for the great qualities of his heart.

Mr. O'MAHONEY. Mr. President, the Senator from North Carolina [Mr. ERVIN] and the other Senators are most generous in their comments. I can say, having served with the Senator from North Carolina in Chicago—and I do not hesitate to name the place and the committee, which was the platform committee of the Democratic national convention—and having served with the Senator from North Carolina in the Committee on the Judiciary of the United States Senate, I have learned what a great mind he has and how eminently fair and just his purposes are. I do not hesitate to say that what I have remarked about him is the judgment of his colleagues who have had the pleasure of working with him. I am very grateful to him for his kind words.

Mr. JOHNSON of Texas. Mr. President, I wish to join my colleagues in commending the very able Senator from Wyoming [Mr. O'MAHONEY] for the great speech he has delivered in the Senate today. I have long admired him as a public servant.

Mr. President, I think the remarks made by the Senator from Wyoming should be read by every citizen of this land who loves his liberty and who treasures his freedom.

I believe, Mr. President, that we have had a very constructive day of debate in the Senate on this subject, which we all regard as a very complex and vital one. It will be my objective, in the days ahead, to make every effort to allow full and adequate opportunity for each Senator to express himself on this subject. I wish to be fair to every Member of the Senate. I feel sure that each Member of the Senate will sustain me in my effort to do that. Particularly it is my desire to see that full opportunities are accorded to the spokesmen of the various viewpoints in this controversy, especially the distinguished minority leader, the Senator from California [Mr. KNOWLAND], the distinguished senior Senator from Georgia [Mr. RUSSELL], the distinguished Senator from Illinois [Mr. DOUGLAS], and the distinguished Senator from North Carolina [Mr. ERVIN], all of whom have spent a great deal of time and have accumulated a great deal of information on this subject.

Mr. President——

The PRESIDING OFFICER. The Senator from Texas.

ORDER FOR TRANSACTION OF ROUTINE BUSINESS TOMORROW

Mr. JOHNSON of Texas. Mr. President, it is my intention now to ask the Senate to take a recess until 12 o'clock tomorrow. I should like to ask that unanimous consent be given that immediately following the convening of the Senate tomorrow we have the usual morning hour for the introduction of bills, petitions, and memorials, and the transaction of other routine business, with a limitation of 3 minutes on statements.

I may say I have discussed this matter with the distinguished minority leader, and he is agreeable to this request. I should like to have the order entered now.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas? The Chair hears none, and it is so ordered.

LEGISLATIVE PROGRAM

Mr. JOHNSON of Texas. Mr. President, as I previously announced, tomorrow I shall ask the Senate to take a recess, when it concludes its deliberations, until 11 o'clock on Wednesday. We shall on Wednesday have a full day, running until 6 or 6:30 o'clock in the evening, or as late as Members may care to address themselves on this subject.

I hope our sessions can be of reasonable length each day, long enough to accommodate the fair expression of viewpoints, but not so long as to tax the endurance of Members and their staffs.

I have already announced the intention, so far as the leadership is able to control it, of having a session of the

Senate next Saturday. I believe, if reason and fairness prevail, the Senate can accomplish its will in a manner of which we can be proud.

Mr. President, it is always my desire to be right in what I do, but I also always want to be fair. Since accuracy of judgment is such a fragile standard, I think it is equally as important to be fair as it is to be right. We can never be absolutely sure we are right in our judgments, but our consciences can always tell us when we are unfair or unjust.

I wish to express my very deep gratitude to the Members of the Senate for the very high plane on which they have conducted the debate on this, the first day.

I wish to invite the attention of all Senators who are present, and of those who may read the RECORD, to the fact that the rules and practices of the Senate provide for Members having the assistance of clerks on the floor when their presence is required. I am clearly mindful of the need for such assistance. I assume that no one has more need for staff assistants than the majority leader and the minority leader, and we are both served by very competent staffs.

But in many cases, Mr. President, we must forgo at times our staff assistants, because we recognize that their presence alone causes noise and commotion which interferes with the deliberations of the Senate. So I should like to announce at this stage of the proceedings that the majority leader requests the Sergeant at Arms to enforce the Senate rules in connection with the issuance of passes to staff assistants, so that only those assistants having essential business will be on the floor during this important debate.

I should like to suggest to the Sergeant at Arms that he make arrangements for space in the gallery, which will always be available to accommodate the clerks who would like to hear the debate, or whose Members desire to have them follow the course of the debate. I believe most of the time they will be able to hear the debate in the gallery better than they will be able to hear it on the floor, particularly if we have a flood of staff assistants here talking to each other. I believe in this manner, Mr. President, we can best expedite the business of the Senate and assure that every Member will have a full opportunity to follow the debate and have the benefit of the arguments made pro and con.

It is not my intention to deprive any Member of clerical assistance he feels he needs, in accordance with the rules of the Senate, when he is engaging in debate on pending legislation. Each Member, I am sure, will be able to control this, with appropriate care and with restraint, for himself. I merely call on all Members to cooperate with the leadership to insure that clerical assistants are not present on the floor when their purpose in being here can be served just as well by their sitting in the gallery, in order to follow the debate.

I ask that the Presiding Officer assist in the maintenance of quiet and order in the Chamber by requesting from time to time, as circumstances require, that clerks not needed on the floor leave the floor and go to the galleries. I realize that it is not only essential but very necessary at times for Senators to have a staff assistant present, and of course we expect them to do so. However, I desire to make this announcement in the early stages of the debate, so that as we proceed all Members will be on notice and can appeal to their staffs to please follow the rules of the Senate. I wish the Sergeant at Arms to be fully notified, so that he will be able to make proper arrangements for a section in the gallery for clerical assistants who may desire to follow the debate.

Now, Mr. President, if there are no other Members who desire to address the Senate——

Mr. CARROLL. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I yield to my friend, the Senator from Colorado.

Mr. CARROLL. Mr. President, I should like to join in the commendation of the distinguished senior Senator from Wyoming [Mr. O'MAHONEY] for a very brilliant and thought-provoking speech. We in Colorado recognize the distinguished Senator from Wyoming as one of the great American statesmen and philosophers, a scholar, and a distinguished lawyer.

I am confident that the remarks he made this afternoon not only deserve, but will receive, the commendation of Members as they read the RECORD tomorrow. I thank the Senator for a very fine speech.

Mr. O'MAHONEY. The Senator is very gracious.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. JOHNSON of Texas. I yield.

Mr. STENNIS. I highly commend, as well as thank, the Senator from Wyoming for his very timely remarks, so full of logic and common sense.

I wish especially to thank him for standing on the floor and uttering some word of commendation for those in my area of the country who are faced with special problems, just as all other areas have their special problems. I thank the Senator from Wyoming for his understanding of those problems, and for pointing out possible ways in which they can be met. I respect him very highly as a lawyer. He is an experienced and most capable legislator. He is a Senator who gets results, and who is always at work. I thank him again for his very timely remarks, which I believe will be influential and will constitute a light shining in the right direction.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, July 8, 1957, he presented to the President of the United States the following enrolled bills:

S. 528. An act for the relief of Nicolaos Papathanasiou;

S. 609. An act to amend the act of June 24, 1936, as amended (relating to the collection and publication of peanut statistics), to delete the requirement for reports from persons owning or operating peanut picking or threshing machines, and for other purposes;

S. 749. An act for the relief of Loutfie Kalil Noma (also known as Loutfie Slemon Noma or Loutfie Noama);

S. 1054. An act to extend the times for commencing the construction of a toll bridge across the Rainy River at or near Baudette, Minn.;

S. 1169. An act for the relief of Herbert C. Heller;

S. 1212. An act for the relief of Evangelos Demetre Kargiotis; and

S. 1352. An act to provide for the conveyance of certain real property of the United States to the Fairview Cemetery Association, Inc., Wahpeton, N. Dak.

RECESS

Mr. JOHNSON of Texas. Mr. President, if there are no other Senators who desire to address the Senate at this time, pursuant to the order previously entered, I move that the Senate stand in recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 6 o'clock and 32 minutes p. m.) the Senate took a recess, the recess being under the order previously entered, until tomorrow, Tuesday, July 9, 1957, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate July 8, 1957:

UNITED STATES ATTORNEYS

John C. Crawford, Jr., of Tennessee, to be United States attorney for the eastern district of Tennessee for a term of 4 years. He is now serving in this office under an appointment which expires July 16, 1957.

Millsaps Fitzhugh, of Tennessee, to be United States attorney for the western district of Tennessee for a term of 4 years. He is now serving in this office under an appointment which expires July 16, 1957.

COLLECTORS OF CUSTOMS

Theodore H. Lyons, of New Orleans, La., to be collector of customs for customs collection district No. 20, with headquarters at New Orleans, La. (Reappointment.)

George F. Jameson, of Portland, Oreg., to be collector of customs for customs collection district No. 29, with headquarters at Portland, Oreg. (Reappointment.)

HOUSE OF REPRESENTATIVES

MONDAY, JULY 8, 1957

The House met at 12 o'clock noon.

Rev. Aaron L. Powers, Canterbury United Presbyterian Church, Pacoima, Calif., offered the following prayer:

Our Father in Heaven: We stand before Thee at the beginning of a new week of work and decisions.

As Thou hast called these men to govern and rule over others, may they be governed and ruled by Thee only.

Make them courageous in their obedience to Thee, and sensitively alert to the dangerous, baser drives of our human natures. Therefore, whatsoever things are true, whatsoever things are pure, whatsoever things are of good report, let us think on these things, and for all that is constructively accomplished each day, we shall give Thee the praise and the glory through Jesus Christ, forever. Amen.